

# VOICES OF INDIAN FREEDOM MOVEMENT

# VOICES OF INDIAN FREEDOM MOVEMENT

(VOICE OF SECULAR AND CONSTRUCTIVE NATIONALISM)

Congress Speaks 1923—1946

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# DEMOCRACY, NATIONALISM AND INTERNATIONALISM*

Comrades,

Eight and a half months ago I addressed you from this tribune, and now, at your bidding, I am here again. I am grateful to you for this repeated expression of your confidence, deeply sensible of the love and affection that have accompanied it, somewhat overburdened by this position of high honour and authority that you would have me occupy again, and yet I am fearful of this responsibility. Men and women, who have to carry the burden of responsible positions in the world today, have a heavy and unenviable task and many are unable to cope with it. In India that task is as heavy as anywhere else and if the present is full of difficulty, the veil of the future hides perhaps vaster and more intricate problems. Is it surprising then that I accept your gracious gift with hesitation ?

Before we consider the problems that face us, we must give thought to our comrades—those who have left us during these past few months and those who languish year after year, often with no end in prospect, in prison and detention camp. Two well-beloved colleagues have gone—Mukhtar Ahmed Ansari and Abbas Tyabji, the bearers of names honoured in Congress history, dear to all of us as friends and comrades, brave and wise counsellors in times of difficulty.

To our comrades in prison or in detention we send greetings. Their travail continues and it grows, and only recently we have heard with horror about the suicide of three detenues who found

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*Presidential address delivered by Pandit Jawaharlal Nehru at the Faizpur Congress held on 27-28 ,December, 1936.

life intolerable for them in the fair province of Bengal, where young men and women in such large numbers live in internment without end. We have an analogy elsewhere, in Nazi Germany where concentration camps flourish and suicides are not uncommon.

Soon after the last Congress I had to nominate the Working Committee and I included in this our comrade, Subhas Chandra Bose. But you know how he was snatched away from us on arrival at Bombay and ever since then he has been kept in internment despite failing health. Our Committee has been deprived of his counsel, and I have missed throughout the year this brave comrade on whom we all counted so much. Helplessly we watch this crushing of our men and women, but this helplessness in the present steels our resolve to end this intolerable condition of our people.

One who was not with us at Lucknow has come back to us after long internment and prison. We offer cordial welcome to Khan Abdul Ghaffar Khan for his own brave self as well as for the sake of the people of the Frontier Province whom he has so effectively and gallantly led in India's struggle for freedom. But though he is with us, he may not, so the orders of the British Government in India run, go back home or enter his province or even the Punjab. And in that province of his the Congress organisation is still illegal and most political activities prevented.

I must also offer on your behalf warm welcome to one, who though young, is an old and well-tried soldier in India's fight for freedom. Comrade M.N. Roy has just come to us after a long and most distressing period in prison, but, though shaken up in body, he comes with fresh mind and heart, eager to take his part in that old struggle that knows no end till it ends in success.

The elements have been unusually cruel to us during these past few months and famine and floods and droughts have afflicted many provinces and brought great suffering to millions

of our people. Recently a great cyclone descended on Guntur district in the south causing tremendous damage and rendering large numbers homeless, with all their belongings destroyed. We may not complain of this because the elements are still largely beyond human control. But the wit of man finds a remedy for recurring floods due to known causes, and makes provision for the consequences of droughts and the like, and organises adequate relief for the victims of natural catastrophes. But that wit is lacking among those who control our destinies, and our people, always living on the verge of utter destitution, can face no additional shock without going under.

We are all engrossed in India at present in the provincial elections that will take place soon. The Congress has put up over a thousand candidates and this business of election ties us in many ways ,and yet I would ask you, as I did at Lucknow, to take heed of the terrible and fascinating drama of the world. Our destinies are linked up with it, and our fate, like the fate of every country, will depend on the outcome of the conflicts of rival forces and ideas that are taking place everywhere. Again I would remind you that our problem of national freedom as well as social freedom is but a part of this great world problem and to understand ourselves we must understand others also.

Even during these last eight months, vast changes have come over the international situation, the crisis deepens, the rival forces of progress and reaction come to closer grips with each other, and we go at a terrific pace towards the abyss of war. In Europe fascism has been pursuing its triumphant course, speaking ever in a more strident voice, introducing an open gangsterism in international affairs. Based as it is on hatred and violence and dreams of war, it leads inevitably, unless it is checked in time, to world war. We have seen Abyssinia succumb to it; we see today the horror and tragedy of Spain.

How has this fascism grown so rapidly, so that now it threatens to dominate Europe and the world ? To understand this one must seek a clue in British foreign policy.

This policy, in spite of its outward variations and frequent hesitations, has been one of consistent support of Nazi Germany. The Anglo-German Naval Treaty threw France into the arms of Italy and led to the rape of Abyssina. Behind all the talk of sanctions against Italy later on, there was the refusal by the British Government to impose any effective sanction. Even when the United States of America offered to cooperate in imposing the oil sanction Britain refused, and was content to see the bombing of Ethiopians and the breaking up of the League of Nations' system of collective security. True, the British Government always talked in terms of the League and in defence of collective security, but its action belied its words and were meant to leave the field open to fascist aggression. Nazi Germany took step after step to humiliate the League and upset the European order, and even the British 'National' Government followed meekly in its trail and gave it its whispered blessing.

Spain came then as an obvious and final test, a democratic government assailed by a fascist military rebellion aided by mercenary foreign troops. Here again while fascist powers helped the rebels, the League powers proclaimed a futile policy of non-intervention, apparently designed to prevent the Spanish democratic government from combating effectively the rebel menace.

So we find British imperialism inclining more and more towards the fascist powers, though the language it uses, as is its habit, old is democratic in texture and pious in tone. And because of this contradiction between words and deeds, British prestige has sunk in Europe and the world, and is lower today than it has ever been for many generations.

So in the world today these two great forces strive for mastery—those who labour for democratic and social freedom and those who wish to crush this freedom under imperialism and fascism. In this struggle Britain, though certainly not the mass of the British people, inevitably joins the ranks of reaction. And the struggle today is fiercest and clearest in Spain, and on

the outcome of that depends war or peace in the world in the near future, fascist domination or the scorching of fascism and imperialism. The struggle has many lessons for us, and perhaps the most important of these is the failure of the democratic process in resolving basic conflicts and introducing vital changes to bring social and economic conditions in line with world conditions That failure is not caused by those who desire or work for these changes. They accept the democratic method, but when this method threatens to affect great vested interests and privileged classes these classes refuse to accept the democratic process and rebel against it. For them democracy means their own domination and the protection of their special interests. When it fails to do this, they have no further use for it and try to break it up. And in their attempt to break it, they do not scruple to use any and every method, to ally themselves with foreign and anti-national forces. Calling themselves nationalists and patriots, they employ mercenary armies of foreigners to kill their own kith and kin and enslave their own people.

In Spain today our battles are being fought and we watch this struggle not merely with the sympathy of friendly outsiders, but with the painful anxiety of those who are themselves involved in it. We have seen our hopes wither and a blank despair has sometimes seized us at this tragic destruction of Spain's manhood and womanhood. But in the darkest moments the flame that symbolizes the hope of Spanish freedom has burnt brightly and proclaimed to the world its eventual triumph. So many have died, men and women, boys and girls, that the Spanish Republic may live and freedom might endure. We see in Spain, as so often elsewhere, the tragic destruction of the walls of the citadel of freedom. How often they have been lost and then retaken, how often destroyed and re-built.

I wish, and many of you will wish with me, that we could give some effective assistance to our comrades in Spain, something more than sympathy, however deeply felt. The call for help has come to us from those sorely stricken people and we cannot remain silent to that appeal. And yet I do not know

what we can do in our helplessness when we are struggling ourselves against an imperialism that binds and crushes.

So I would like to stress before you, as I did before, this organic connection between world events, this action and interaction between one and the other. Thus we shall understand a little this complicated picture of world today, a unity in spite of its amazing diversity and conflicts. In Europe, as in the Far East, there is continuous trouble, and everywhere there is ferment. The Arab struggle against British imperialism in Palestine is as much part of this great world conflict as India's struggle for freedom. Democracy and fascism, nationalism and imperialism, socialism and a decaying capitalism, combat each other in the world of ideas, and this conflict develops on the material plane and bayonets and bombs take the place of votes in the struggle for power. Changing conditions in the world demand a new political and economic orientation and if this does not come soon, there is friction and conflict. Gradually this leads to a revolution in the minds of men and this seeks to materialise, and every delay in this change-over leads to further conflict. The existing equilibrium having gone, giving place to no other, there is deterioration, reaction, and disaster. It is this disaster that faces us in the world today and war on a terrible scales is an ever-present possibility. Except for the fascist powers every country and peope dread this war and yet they all prepare for it feverishly; and in doing so they line up on this side or that The middle groups fade out or, ghost-like they flit about unreal, disillusioned, self-tortured, ever-doubting. That has been the fate of the old-liberalism everywhere, though in India perhaps those who call themselves liberals, and others who think in their way, have yet to come out of the fog of complacency that envelops them. But we

"Move with new desires.
For where we used to build and love,
Is no man's land, and only ghosts can live
Between two fires."

What are these new desires ? The wish to put an end to this

mad world system which breeds war and conflict and which crushes millions; to abolish poverty and unemployment and release the energies of vast numbers of people and utilise them for the progress and betterment of humanity; to build where today we destroy.

During the past eight months I have wandered a great deal in this vast land of ours and I have seen again the throbbing agony of India's masses, the call of their eyes for relief from the terrible burdens they carry. That is our problem; all others are secondary and merely lead up to it. To solve that problem we shall have to end the imperialistic control and exploitation of India. But what is this imperialism of today? It is not merely the physical possession of one country by another; its roots lie deeper. Modern imperialism is an outgrowth of capitalism and cannot be separated from it.

It is because of this that we cannot understand our problems without understanding the implications of imperialism and socialism. The disease is deep-seated and requires a radical and revolutionary remedy and that remedy is the socialist structure of society. We do not fight for socialism in India today for we have to go far before we can act in terms of socialism, but socialism comes in here and now to help us to understand our problem and point out the path to its solution, and to tell us the real content of the Swaraj to come. With no proper understanding of the problem, our actions are likely to be erratic, purposeless and ineffective.

The Congress stands today for full democracy in India and fights for a democratic state, not for socialism. It is anti-imperialist and strives for great changes in our political and economic structure. I hope that the logic of events will lead it to socialism for that seems to me the only remedy for India's ills. But the urgent and vital problem for us today is political independence and the establishment of a democratic state. And because of this, the Congress must line up with all the progressive forces of the world and must stand for world peace. Recently there has

taken place in Europe a significant development in the peace movement. The World Peace Congress, held at Brussels in September last, brought together numerous mass organisations on a common platform and gave an effective lead for peace. Whether this lead will succeed in averting war, no one can say, but all lovers of peace will welcome it and wish it success. Our Congress was ably represented at Brussels by Shri V.K. Krishna Menon and the report that he has sent us is being placed before you. I trust that the Congress will associate itself fully with the permanent peace organisation that is being built up and assist with all its strength in this great task. In doing so we must make our own position perfectly clear. For us, and we think for the world, the problem of peace cannot be separated from imperialism, and in order to remove the root causes of war, imperialism must go. We believe in the sanctity of treaties but we cannot consider ourselves bound by treaties in the making of which the people of India had no part, unless we accept them in due course. The problem of maintaining peace cannot be isolated by us, in our present condition, from war resistance. The Congress has already declared that we can be no parties to an imperialist war, and we will not allow the exploitation of India's manpower and resources for such a war. Any such attempt will be resisted by us.

The League of Nations has fallen very low and there are few who take it seriously as an instrument for the perservation of peace. India has no enthusiasm for it whatever and the Indian membership of the League is a farce, for the selection of delegates is made by the British Government. We must work for a real League of Nations, democratically constructed, which would in effect be a League of Peoples. If even the present League, ineffective and powerless as it is, can be used in favour of peace, we shall welcome it.

With this international background in view, let us consider our national problems. The Government of India Act of 1935, the new constitution, stares at us offensively, this new charter of bondage which has been imposed upon us despite our utter rejection of it, and we are preparing to fight elections under it.

Why we have entered into this election contest and how we propose to follow it up has been fully stated in the election manifesto of the All-India Congress Committee, and I commend this manifesto for your adoption. We go to the legislatures not to cooperate with the apparatus of British imperialism, but to combat the Act and seek to end it, and to resist in every way British imperialism in its attempt to strengthen its hold on India and its exploitation of the Indian people. That is the basic policy of the Congress and no Congressmen, no candidate for election, must forget this. Whatever we do must be within the four corners of this policy. We are not going to the legislatures to pursue the path of constitutionalism or a barren reformism.

There is a certain tendency to compromise over these elections, to seek a majority at any cost. This is a dangerous drift and must be stopped. The elections must be used to rally the masses to the Congress standard, to carry the message of the Congress to the millions of voters and non-voters alike, to press forward the mass struggle. The biggest majority in a legislature will be of little use to us if we have not got this mass movement behind us, and a majority built on compromises with reactionary groups or individuals will defeat the very purpose of the Congress.

With the effort to fight the Act and as a corollary to it, we have to stress our positive demand for a constituent assembly elected under adult suffrage. That is the very corner-stone of the Congress policy today and our election campaign must be based on it. This assembly must not be conceived as something emanating from the British Government or as a compromise with British imperialism. If it is to have any reality, it must have the will of the people behind it and the organised strength of the masses to support it, and the power to draw up the constitution of a free India. We have to create that mass support for it through these elections and later through our other activities.

The Working Committee has recommended to this Congress that a convention of all Congress members of all the legislatures,

and such other persons as the Committee might wish to add to them, should meet soon after the elections to put forward the demand for the constituent assembly, and determine how to oppose, by all feasible methods, the introduction of the federal structure of the Act. Such a convention, which must include the members of the All-India Congress Committee, should help us greatly in focusing our struggle and giving it proper direction in the legislatures and outside. It will prevent the Congress members of the legislatures from developing provincialism and getting entangled in minor provincial matters. It will give them the right perspective and a sense of all-India discipline and it should help greatly in developing mass activities on a large scale. The idea is full of big possibility and I trust the Congress will approve of it.

Next to this demand for the constituent assembly, our most important task will be to oppose the federal structure of the Act. Utterly bad as the Act is, there is nothing so bad in it as this federation and so we must exert ourseleves to the utmost to break this, and thus end the Act as a whole. To live not only under British imperialist exploitation but also under Indian feudal control, is something that we are not going to tolerate whatever the consequences. It is an interesting and instructive result of the long period of British rule in India that when, as we are told, it is trying to fade off, it should gether to iteslf all the reactionary and obscurantist groups in India, and endeavour to hand partial control to the feudal elements

The development of this federal scheme is worthy of consideration. We are not against the conception of a federation. It is likely that a free India may be a federal India, though in any event there must be a great deal of unitary control. But the present federation that is being thrust upon us is a federation in bondage and under the control, politically and socially, of the most backward elements in the country.

The present Indian states took shape early in the nineteenth century in the unsettled conditions of early British rule. The treaties with their autocratic rulers, which are held up to us so

often now as sacred documents which may not be touched, date from that period.

It is worthwhile comparing the state of Europe then with that of India. In Europe then there were numerous tiny kingdoms and princedoms, kings were autocratic, holy alliances and royal prerogatives flourished. Slavery was legal. During these hundred years and more Europe has changed out of recognition. As a result of numerous revolutions and changes the princedoms have gone and very few kings remain. Slavery has gone. Modern industry has spread and democratic institutions have grown up with an ever-widening franchise. These in their turn have given place in some countries to fascist dictatorships. Backward Russia, with one mighty jump, has established a Soviet socialist state and an economic order which has resulted in tremendous progress in all directions. The world has gone on changing and hovers on the brink of yet another vast change. But not so the Indian states; they remain static in this ever-changing panorama, staring at us with the eyes of the early nineteenth century. The old treaties are sacrosanct, treaties made not with the people or their representatives but with their autocratic rulers.

This is a state of affairs which no nation, no people, can tolerate. We cannot recognise these old settlements of more than a hundred years ago as permanent and unchanging. The Indian states will have to fit into the scheme of a free India and their peoples must have, as the Congress had declared, the same personal, civil and democratic liberties as those of the rest of India.

Till recent years little was heard of the treaties of the states or of paramountcy. The rulers knew their proper places in the imperial scheme of things and the heavy hand of the British Government was always in evidence. But the growth of the national movement in India gave them a fictitious importance, for the British Government began to rely upon them more and more to help it in combating this nationalism. The rulers and their ministers were quick to notice the change in the angle of

vision and to profit by it. They tried to play, not without success, the British Government and the Indian people against each other and to gain advantages from both. They have succeeded to a remarkable degree and have gained extraordinary power under the federal scheme Having preserved themselves as autocratic units, which are wholly outside the control of the rest of India, they have gained power over other parts of India. Today we find them talking as if they were independent and laying down conditions for their adherence to the federation. There is talk even of the abolition of the vice-regal paramountcy, so that these states may remain, alone in the whole world, naked and unchecked autocracies which cannot be tempered with by any constitutional means. A sinister development is the building up of the armies of some of the bigger states on an efficient basis.

Thus our opposition to the federal part of the Constitution Act is not merely a theoretical one, but a vital matter which affects our freedom struggle and our future destiny. We have got to make it a central pivot of our struggie against the Act. We have got to break this federation.

Our policy is to put an end to the Act and have a clean slate to write afresh. We are told by people who can think only in terms of action taken in the legislatures, that it is not possible to wreck it, and there are ample provisions and safeguards to enable the government to carry on despite a hostile majority. We are well aware of these safeguards; they are one of the principal reasons why we reject the Act. We know also that there are second chambers to obstruct us. We can create constitutional crises inside the legislatures, we can have deadlocks, we can obstruct the imperialist machine, but always there is a way out. The constitution cannot be wrecked by action inside the legislatures only. For that, mass action outside is necessary, and that is why we must always remember that the essence of our freedom struggle lies in mass organisation and mass action.

The policy of the Congress in regard to the legislatures is perfectly clear; only in one matter it still remains undecided—

the question of acceptance or not of office. Probably the decision of this question will be postponed till after the elections. At Lucknow I ventured to tell you that, in my opinion, acceptance of office was a negation of our policy of rejection of the Act; it was further a reversal of the policy we had adopted in 1920 and followed since then. Since Lucknow the Congress has further clarified its position in the election manifesto and declared that we are not going to the legislatures to cooperate in any way with the Act but to combat it. That limits the field of our decision in regard to offices, and those who incline to acceptance of them must demonstrate that this is the way to non-cooperate with the Act, and to end it.

It seems to me that the only logical consequences of the Congress policy, as defined in our resolution and in the election manifesto, is to have nothing to do with office and ministry. Any deviation from this would mean a reversal of that policy. It would inevitably mean a kind of partnership with British imperialism in the exploitation of the Indian people, an acquiescence, even though under protest and subject to reservations, in the basic ideas underlying the Act, an association to some extent with British imperialism in the hateful task of the repression of our advanced elements. Office acceptance on any other basis is hardly possible. and if it is possible, it will lead almost immediately to deadlock and conflict. That deadlock and impasse does not frighten us; we welcome it. But then we must think in terms of deadlocks and not in terms of carrying on with the office.

There seems to be a fear that if we do not accept office, others will do so, and they will put obstacles in the way of our freedom movement. But if we are in a majority we can prevent others from misbehaving; we can even prevent the formation of any ministry. If our majority is a doubtful one then office for us depends on compromises with non-Congress elements, a policy full of danger for our cause, and one which would inevitably lead to our acting in direct opposition to the Congress mandate of rejection of the Act. Whether we are in a majority or in a minority, the real thing will always be the organised mass

backing behind us. A majority without that backing can do little in the legislatures, even a milliant minority with conscious and organised mass support can make the functioning of the Act very difficult.

We have put the constituent assembly in the forefront of our programme, as well as the fight against the federal structure. With what force can we press these two vital points and build up a mass agitation around them if we wobble over the question of office and get entangled in its web ?

We have great tasks ahead, great problems to solve both in India and in the international sphere. Who can face and solve these problems in India but this great organisation of ours, which has, through fifty years' effort and sacrifice established its unchallengeable right to speak for the millions of India ? Has it not become the mirror of their hopes and desires their urge to freedom, and the strong arm that will wrest this freedom from unwilling and resisting hands ? It started in a small way with a gallant band of pioneers, but even then it represented a historic force and it drew to itself the goodwill of the Indian people. From year to year it grew, faced inner conflicts whenever it wanted to advance and was held back by some of its members. But the urge to go ahead was too great, the push from below increased, and though a few left us, unable to adjust themselves to changing conditions, vast numbers of others joined the Congress. It became a great propaganda machine dominating the public platform of India. But it was an amorphous mass and its organisational side was weak and effective action on a large scale was beyond its powers. The coming of Gandhiji brought the peasant masses to the Congress, and the new constitution that was adopted at his instance in Nagpur in 1920 tightened up the organisation, limited the number of delegates according to population, and gave it strength and capacity for joint and effective action. That action followed soon after on a countrywide scale and was repeated in later years. But the very success and prestige of the Congress often drew undesirable elements to its fold and accentuated the defects of the constitution. The organisation was becoming unwieldy

and slow of movement and capable of being exploited in local areas by particular groups. Two years ago radical changes were made in the constitution again at Gandhiji's instance. One of these was the fixation of the number of delegates according to membership, a change which has given a greater reality to our elections and strengthened us organisationally. But still our organisational side lags far behind the great prestige of the Congress, and there is a tendency for our committees to function in the air, cut off from the rank and file.

It was partly to remedy this that the mass contacts resolution was passed by the Lucknow Congress, but unhappily the committee that was in charge of this matter has not reported yet. The problem is a wider one than was comprised in that resolution, for it includes an overhauling of the Congress constitution with the object of making it a closer-knit body, capable of disciplined and effective action. That action to be effective must be mass action, and the essence of the strength of the Congress has been this mass basis and mass response to its calls. But though that mass basis is there, it is not reflected in the organisational side, and hence an inherent weakness in our activities.

We have seen the gradual transformation of the Congress from a small upper class body to one representing the great body of the lower middle classes and later the masses of this country. As this drift to the masses continued the political role of the organisation changed and is changing, for this political role is largely determined by the economic roots of the organisation.

We are already and inevitably committed to this mass basis for without it there is no power or strength in us. We have now to bring that into line with the organisation so as to give our primary members greater powers of initiative and control, and opportunities for day-to-day activities. We have, in other words, to democratise the Congress still further.

Another aspect of this problem that has been debated during

the past year has been the desirability of affiliating other organisations of peasants, workers and others, which also aim at the freedom of the Indian people, and thus to make the Congress the widest possible joint front of all the anti-imperialist forces in the country. As it is, the Congress has an extensive direct membership among these groups; probably 75 per cent of its members come from the peasantry. But it is argued that functional representation will give far greater reality to the peasants and workers in the Congress. This proposal has been resisted because of a fear that the Congress might be swamped by new elements, sometimes even politically backward elements. As a matter of fact, although this question is an important one for us, any decision of it will make little difference at present; its chief significance will be as a gesture of goodwill. For these are few well-organised workers' or peasants' unions in the country which are likely to profit by Congress affiliation. There is not the least possibility of any swamping, and, in any event, this can easily be avoided. I think that now or later some kind of functional representation in the Congress is inevitable and desirable. It is easy for the Congress to lay down conditions for such affiliation, so as to prevent bogus and mushroom growths or undesirable organisations from profiting by it. A limit might also be placed on the number of representatives that such affiliated organisations can send. Some such recommendation, I believe, has been made by the U.P. Provincial Congress Committee.

The real object before us is to build up a powerful joint front of all the anti-imperialist forces in the country. The Congress has indeed been in the past, and is today, such a united popular front, and inevitably the Congress must be the basis and pivot of united action. The active participation of the organised workers and peasants in such a front would add to its strength and must be welcomed. Cooperation between them and the Congress organisation has been growing and has been a marked feature of the past year. This tendency must be encouraged. This most urgent and vital need of India today is this united national front of all forces and elements that are ranged against imperialism. Within the Con-

gress itself most of these forces are represented, and in spite of their diversity and difference in outlook, they have cooperated and worked together for the common good. That is a healthy sign both of the vitality of our great movement and the unity that binds it together. The basis of it is anti-imperialism and independence. Its immediate demand is for a constituent assembly leading to a democratic state where political power has been transferred to the mass of the people. An inevitable consequence of this is the withdrawal of the alien army of occupation.

These are the objectives before us, but we cannot ignore the present day realities and the day-to-day problems of our people. These ever-present realities are the poverty and unemployment of our millions, appalling poverty and an unemployment which has even the middle classes in its grip and grows like a creeping paralysis. The world is full of painful contrasts today, but surely nowhere else are these contrasts so astounding as in India. Imperial Delhi stands as the visible symbol of British power, with all its pomp and circumstances and vulgar ostentation and wasteful extravagance; and within a few miles of it are the mud huts of India's starving peasantry, out of whose meagre earnings these great palaces have been built, huge salaries and allowances paid. The ruler of a state flaunts his palaces and his luxury before his wretched and miserable subjects, and talks of his treaties and his inherent right to autocracy. And the new Act and constitution have come to us to preserve and perpetuate these contrasts, to make India safe for autocracy and imperialist exploitation.

As I write, a great railway strike is in progress. For long the world of railway workers has been in ferment because of retrenchment and reduction in wages and against them is the whole power of the state. Some time ago there was a heroic strike in the Ambernath Match Factory near Bombay, owned by a great foreign trust. But behind that trust and supporting it we saw the apparatus of government functioning in the most extraordinary way. The workers in our country have yet to gain elementary rights ; they have yet to have an eight-hour day

and unemployment insurance and a guaranteed living wage.

But a vaster and more pressing problem is that of the peasantry, for India is essentially a land of the peasants. In recognition of this fact, and to bring the Congress nearer to the peasant massss, we are meeting here today at the village of Faizpur and not, as of old, in some great city. The Lucknow Congress laid stress on this land problem and called upon the provincial committee to frame agrarian programmes. This work is still incomplete for the vastness and intricacy of it has demanded full investigation. But the urgency of the problem calls for immediate solution. Demands for radical reforms in the rent and revenue and the abolition of feudal levies have been made from most of the provinces. The crushing burden of debt on the agricultural classes has led to a widespread cry for a moratorium and a substantial liquidation of debt. In the Punjab *karza* (debt) committees have grown up to protect the peasantry. All these and many other demands are insistently made and vast gatherings of peasents testify to their inability to carry their present burdens. Yet it is highly doubtful if this problem can be solved piecemeal and without changing completely the land system. That land system cannot endure; an obvious step is to remove the intermediaries between the cultivator and the state. Cooperative or collective framing must follow.

The reform of the land system is tied up with the development of industry. both large-scale and cottage, in order to give work to our scores of millions of the unemployed and raise the pitiful standards of our people. That again is connected with so many other things—education, housing, roads and transport, sanitation, medical relief, social services, etc. Industry cannot expand properly because of the economic and financial policy of the government which, in the name of Imperial Preference. encourages British manufacturers in India, and works for the profit of Big Finance in the City of London. The currency ratio continues in spite of persistent Indian protest, gold has been pouring out of India continuously now for five years at a prodigious rate, though all India vehemently opposes

this overflow. And the new Act tells us that we may do nothing which the Viceroy or the Governor might consider as an unfair discrimination against British trade or commercial interests. The old order may yield place to the new but British interests are safe and secure.

And so one problem runs into another and all together form that vast complex that is India today. Are we going to solve this by petty tinkering and patchwork with all manner of vested interests obstructing us and preventing advance? Only a great planned system for the whole land and dealing with all these various national activities, coordinating them, making each serve the larger whole and interests of the mass of our people, only such a planned system with a vision and courage to back it, can find a solution. But planned systems do not flourish under the shadow of monopolies and vested interests and imperialist exploitation. They require the air and soil of political and social freedom.

These are distant goal for us today, though the rapid march of events may bring us face to face with them sooner than we imagine. The immediate goal—independence—is nearer and more definite, and that is why perhaps we escape, to a large extent, that tragic disillusion and hopelessness which affect so many in Europe.

We are apparently weak, not really so. We grow in strength, the empire of Britain fades away. Because we are politically and economically crushed, our civil liberties taken away, hundreds of our organisations made illegal, thousand of our young men and women always kept in prisons or in detention camps, our movements continually watched by hordes of secret servicemen and informers, our spoken word taken down lest it offend the law of sedition, because of all this and more we are not weaker but stronger, for all this intense repression is the measure of our growing national strength. War and revolution dominate the world and nations arm desperately. If war comes or other great crisis, India's attitude will make a difference. We hold the key of success in our hands if we but turn them

rightly. And is it the increasing realisation of this that has swept away the defeatist mentality of our people ?

Meanwhile the general election claims our attention and absorbs our energy. Here to › we find official interference, in spite of denial, and significant attempts to prevent secrecy of voting in the case of illiterate voters. The United Provinces have been singled out for this purpose and the system of coloured boxes, which will be used everywhere else, has been ruled out for the U.P. But we shall win in these elections in spite of all the odds—state pressure, vested interest, money.

That will be but a little step in a long journey, and we shall march on, with danger and distress as companions. We have long had these for our fellow travellers and we have grown used to them and when we have learnt how to dominate them, we shall also know how to dominate success.

# 14

## SWARAJ AND SOCIALIST RECONSTRUCTION*

Mr. Chairman and friends,

I am deeply sensible of the honour you have done me by electing me as the President of the Indian National Congress for the coming year. I am not so presumptuous as to think for one moment that I am in any way worthy of that great honour. I regard it as a mark of your generosity and as a tribute to the youths of our country, but for whose cumulative contribution to our national struggle, we would not be where we are today. It is with a sense of fear and trepidation that I mount the tribune which has hitherto been graced by the most illustrious sons and daughters of our motherland. Conscious as I am of my numerous limitations, I can only hope and pray that with your sympathy and support I may be able in some small measure to do justice to the high office which you have called upon me to fill.

At the outset, may I voice your feelings in placing on record our profound grief at the death of Shrimati Swaruprani Nehru. Acharya Jagadish Chandra Bose and Dr. Sarat Chandra Cnatterji ? Shrimati Swaruprani Nehru was to us not merely the worthy consort of Pandit Motilal and the revered mother of Pandit Jawaharlal Nehru. Her suffering, sacrifice and service in the cause of India's feeedom were such as any individual could feel proud of. As compatriots we mourn her death and our hearts go out in sympathy to Pandit Nehru and other members of the bereaved family.

*Presidential address delivered by Subhas Chandra Bose at the Haripura Congress held on 19-21 February, 1938.

To Acharya Jagadish Chandra Bose, India will always remain beholden for being the first to secure for her an honoured place in the modern scientific world. A nationalist to the core of his heart, Acharya Jagadish gave his life not merely to science, but to India as well. India knows it and is grateful for it. We convey our heartfelt spmpathy to Lady Bose.

Through the untimely death of Dr. Sarat Chandra Chatterji, India has lost one of the brightest stars in her literary firmament. His name, for years a household word in Bengal, was not less known in the literary world of India. But if Sarat Babu was great as a litterateur, he was perhaps greater as a patriot. The Congress in Bengal is distinctly poorer today because of his death. We send our sincerest condolence to the members of his family.

Before I proceed further I should like to bow my head in homage to the memory of those who have laid down their lives in the service of the country since the Congress met last year at Faizpur. I should mention especially those who died in prison or in internment or soon after release from internment. I should refer in particular to Sjt. Harendra Munshi, a political prisoner in the Dacca Central Jail, who laid down his life the other day as a result of hunger strike. My feelings are still too lacerated to permit me to say much on his subject. I shall only ask you if there is not something rotten in the state of Denmark that such bright and promising souls as Jatin Das, Sardar Mahabir Singh, Ramkrishna Namadas, Mohit Mohan Maitra, Harendra Munshi and others should feel the urge not to live life but to end it.

When we take a bird's eye view of the entire panorama of human history, the first thing that strikes us is the rise and fall of empires. In the East as well as in the West, empires have invariably gone through a process of expansion and after reaching the zenith of prosperity, have gradually shrunk into insignificance and sometimes death. The empires of ancient and modern periods are striking examples of this law. The empires in

India—the Maurya, the Gupta and the Mogul Empires—are no exception to this rule. In the face of these objective facts of history, can any one be so bold as to maintain that there is in store a different fate for the British Empire ? That Empire stands today at one of the cross-roads of history. It will either go the way of other empires, or it must transform itself into a federation of free nations. Either course is open to it. The Czarist Empire collapsed in 1917, but out of its debris sprang the Union of Soviet Socialist Republics. There is still time for Great Britain to take a leaf out of Russian history. Will she do so ?

The British Empire is a hybrid phenomenon in politics. It is a peculiar combination of self-governing countries partially self-governing dependencies and autocratically governed colonies. Constitutional device and human ingenuity may bolster up this combination for a while, but not for ever. If the internal incongruities are not removed in good time, then quite apart from external pressure, the empire is sure to break down under its own strain. But can the British Empire transform itself into a federation of free nations with one bold sweep ? It is for the British people to answer this question. One thing, however, is certain. This transformation will be possible only if the British people become free in their own homes—only if Great Britain becomes a socialist state. There is an inseparable connection between the capitalist ruling classes in Great Britain and the colonies abroad. As Lenin pointed out long ago that "reaction in Great Britain is strengthened and fed by the enslavement of a number of nations." The British aristocracy and bourgeoisie exist primarily because there are colonies and overseas dependencies to exploit. The emancipation of the latter will undoubtedly strike at the very existence of the capitalist ruling classes in Great Britain and precpitate the establishment of a socialist regime in that country.

It should, therefore, be clear that a socialist order in Great Britain is impossible of achievement without the liquidation of colonialism and that we who are fighting for the political freedom of India and other enslaved countries of the British Empire are incidentally fighting for the economic emancipation of

the British people as well.

It is a well-known truism that every empire is based on the policy of divide and rule. But I doubt if any empire in the world has practised this policy so skilfully, systematically and ruthlessly as Great Britain. In accordance with this policy, before power was handed over to the Irish people, Ulster was separated from the rest of Ireland. Similarly, before any power is handed over to the Palestinians, the Jews will be separated from the Arabs. An internal partition is necessary in order to neutralize the transference of power. The same principle of partition appears in a different form in the new Indian constitution. Here we find an attempt to separate the different communities and put them into water-tight compartments. And in the federal scheme there is juxtaposition of autocratic Princes and democratically elected representatives from British India. If new constitution is finally rejected, whether owing to the opposition of British India or owing to the refusal of the Princes to joining it, I have no doubt that British ingenuity will seek some other constitutional device for partitioning India and thereby neutralizing the transference of power to the Indian people. Therefore, any constitution for India which emanates from Whitehall must be examined with the utmost care and caution.

The policy of divide and rule, though it has its obvious advantages, is by no means an unmixed blessing for the ruling power. As a matter of fact, it creates new problems and new embarrassments. Great Britain seems to be caught in the meshes of her own political dualism resulting from her policy of divide and rule. Will she please the Muslim or the Hindu in India ? Will she favour the Arab or the Jews in Palestine ? The Arab or the Kurd in Iraq ? Will she side with the King or the Wafd in Egypt ? The same is visible outside the empire.

In the case of Spain, British politicians are torn between such alternatives as Franco and the lawful Government; and in the wider field of European politics, between France and Germany. The contradictions and inconsistencies in Britain's

foreign policy are the direct outcome of the heterogeneous composition of her empire. The British Cabinet has to please the Jews because she cannot ignore Jewish high finance. On the other hand, the India Office and Foreign Office have to placate the Arabs because of imperial interests in the Near East and in India. The only means whereby Great Britain can free herself from such contradictions and inconsistencies is by transforming the empire into a federation of free nations.

If she could do that, she would be performing a miracle in history. But if she fails, she must reconcile herself to the gradual dismemberment of a vast empire where the sun is supposed not to set. Let not the lesson of the Austro-Hungarian Empire be lost on the British people.

The British Empire at the present moment is suffering from strain at a number of points. Within the empire in the extreme West there is Ireland and in the extreme East, India. In the middle lies Palestine with the adjoining countries of Egypt and Iraq. Outside the empire there is the pressure exerted by Italy in the Mediterranean and Japan in the Far East, both of these countries being militant, aggressive and imperialist. Against this background of unrest stands Soviet Russia whose very existence strikes terror into the hearts of the ruling classes in every imperialist state.

How long can the British Empire withstand the cumulative effect of this pressure and strain ?

Today, Britain can hardly call hereself "the Mistress of the Seas." Her phenomenal rise in the 18th and 19th centuries was the result of her sea power. Her decline as an empire in the 20th century will be the outcome of the emergence of a new factor in the world history—air force. It was due to this factor, air force, that an imprudent Italy could successfully challenge a fully mobilized British Navy in the Mediterranean. Britain can rearm on land, sea or air up to the utmost limit. Battleships may still stand up to bombing from the air, but air force as a powerful element in modern warfare has come to

stay. Distances have been obliterated and despite all anti-aircraft defences, London lies at the mercy of any bombing squadron from a continental centre. In short, air force has revolutionized modern warfare, destroyed the insularity of Great Britain and rudely disburbed the balance of power in world politics. The clay feet a gigantic empire now stands exposed as it has never been before.

Amid this interplay of world forces India emerges much stronger than she has ever been before. Ours is a vast country with a population of 350 millions. Our vastness in area and in population has hitherto been a source of weakness. It is today a source of strength if we can only stand united and boldly face our rulers. From the standpoint of Indian unity the first thing to remember is that the division between British India and the Indian states is an entirely artificial one. India is one and the hopes and aspirations of the people of British India and of the Indian states are identical. Our goal is that of an independent India and in my view that goal can be attained only through a federal republic in which the the provinces and the states will be willing partners.

The Congress has, time and again, offered its sympathy and moral support to the movement carried on by the states subjects for the establishment of democratic government in what is known as Indian India. It may be that at this moment our hands are so full that the Congress is not in a position to do more for our compatriots in the states. But even today there is nothing to prevent individual Congressmen from actively espousing the cause of the states' subjects and participating in their struggle. There are people in the Congress like myself who would like to see the Congress participating more actively in the movement of the states' subjects. I personally hope that in the near future it will be possible for the Indian National Congress to take a forward step and offer a helping hand to our fellow fighters in the states. Let us not forget that they need our sympathy and our help.

Talking of Indian unity, the next thing that strikes us in the

problem of the minorities. The Congress has, from time to time, declared its policy on this question. The latest authoritative pronouncement was made by the All-India Congress Committee at its meeting in Calcutta in October, 1937, which runs as follows :

"The Congress has solemnly and repeatedly declared its policy in regard to the rights of the minorities in India and has stated that it considers it its duty to protect these rights and ensure the widest possible scope for the development of these minorities and their participation in the fullest measure in the political, economic and cultural life of the nation. The objective of the Congress is an independent and united India where no class or group or majority or minority may exploit another to its own advantage, and where all the elements in the nation may cooperate together for the common good and the advancement of the people of India. This objective of unity and mutual cooperation in a common freedom does not mean the suppression in any way of the rich variety and cultural diversity of Indian life, which have to be preserved in order to give freedom and opportunity to the individual as well as to each group to develop unhindered according to its capacity and inclination.

"In view, however, of attempts having been made to misinterpret the Congress policy in this regard, the All-India Congress Committee desired to reiterate this policy. The Congress has included in its resolution on Fundamental Rights that :

(i) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for a purpose not opposed to law or morality;

(ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality;

(iii) The culture, language and script of the minorities

and of the different linguistic areas shall be protected;

(iv) All citizens are equal before the law, irrespective of religion, caste creed or sex;

(v) No disability attaches to any citizen by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling;

(vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State o f local funds, or dedicated by private persons for the use of the general public:

(vii) The State shall observe neutrality in regard to all religions;

(viii) The franchise shall be on the basis of universal adult suffrage;

(ix) Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India."

The clauses of the Fundamental Rights Resolution make it clear that there should be no interference in matters of conscience, religion, or culture, and a minority is entitled to keep its personal law without any change in this respect being imposed by the majority.

The position of the Congress in regard to the Communal Decision has been repeatedly made clear in Congress resolutions and finally in the Election Manifesto issued last year. The Congress is opposed to this decision as it is anti-national, anti-democratic and is a barrier to Indian freedom and the

development of Indian unity. Nevertheless, the Congress has declared that a change in or supersession of the Communal Decision should only be brought about by the mutual agreement of the parties concerned. The Congress has always welcomed and is prepared to take advantage of any opportunity to bring about such a change by mutual agreement.

In all matters affecting the minorities in India, the Congress wishes to proceed by their cooperation and through their goodwill in a common undertaking and for the realization of a common aim which is the freedom and betterment of all the people of India.

The time is opportune for renewing our efforts for the final solution of this problem. I believe I am voicing the feelings of all Congressmen when I say that we are eager to do our very best to arrive at an agreed solution, consistent with the fundamental principles of nationalism.

It is necessary for me to go into details as to the lines on which a solution should take place. Much useful ground has already been covered in past conferences and conversations. I shall merely add that only by emphasising our common interests, economic and political, can we cut across communal divisions and dissensions. A policy of live and let live in matters religious and an understanding in matters economic and political should be our objective. Though the Muslim problem looms large whenever we think of the question of the minorities and though we are anxious to settle this problem finally, I must say that the Congress is equally desirous of doing justice to other minorities and especially the so-called depressed classes whose number is a very large one. I would put it to the members of the minority communities in India to consider dispassionately if they have anything to fear when the Congress programme is put into operation.

The Congress stands for the political and economic rights of the Indian people as a whole. If it succeeds in executing its programme, the minority communities would be benefited

as such as any other section of the Indian population. Moreover, if after the capture of political power, the national reconstruction takes place on socialistic lines, as I am sure it will, it is the 'have nots' who will benefit at the expense of the 'haves' and the Indian masses have to be classified among the 'have nots'. There remains but one question which may be a source of anxiety to the minorities, viz., religion and that aspect of culture that is based on religion. On this question the Congress policy is one of live and let live—a policy of complete non-interference in matters of conscience, religion and culture as well as of cultural autonomy for the different linguistic areas.

The Muslims have, therefore, nothing to fear in the event of India winning her freedom. On the contrary, they have everything to gain. So far as the religious and social disabilities of the so-called depressed classes are concerned, it is well known that during the last 17 years the Congress has left no stone unturned in the effort to remove them, and I have no doubt that the day is not far off when such disabilities will be things of the past.

I shall now proceed to consider the method which the Congress should pursue in the years to come as well as its role in the national struggle. I believe more than ever that the method should be *Satyagraha* or non-cooperation in the widest sense of the term, including civil disobedience. It would not be correct to call our method passive resistance. *Satyagraha*, is not merely passive resistance, but active resistance as well, though that activity must be of a non-violent character. It is necessary to remind our countrymen that *Satyagraha* or non-violent non-cooperation may have to be resorted to again. The acceptance of office in the provinces as an experimental measure should not lead us to think that our future activity is to be confined within the limits of strict constitutionalism. There is every possibility that a determined opposition to the forcible inauguration of federation may land us in another big campaign of civil disobedience.

In our struggle for independence we may adopt either of the

two alternatives. We may continue our fight until we have our full freedom and in the meantime decline to us any power that we may capture while on the march. We may, on the other hand, go on consolidating our position while we continue our struggle for Purna Swaraj or complete independence. From the point of view of principle, both the alternatives are equally acceptable and *a priori* considerations need not worry us. But we should consider very carefully at every stage as to which alternative would be more conductive to our national advancement. In either case, the ultimate stage in our progress will be the severance of the British connection. When that severance take place and there is no trace left of British domination, we shall be in a position to determine our future relations with Great Britain through a treaty of alliance voluntarily entered into by both parties. What our future relation with Great Britain will or should be, it is too early so say. That will depend to a large extent on the attitude of the British people themselves. On this point I have been greatly impressed by the attitude of President de Valera. Like the President of Eire, I should also say that we have no enmity towards the British people. We are fighting Great Britain and we want the fullest liberty to determine our future relations with her. But once we have real self-determination, there is no reason why we should not enter into the most cordial relations with the British people.

I am afraid there is a lack of clarity in the minds of many Congressmen as to the role of the Congress in the history of our national struggle. I know that there are friends who think that after freedom is won, the Congress party having achieved its objective, should wither away. Such a conception is entirely erroneous. The party that wins freedom for India should be also the party that will put into effect the entire programme of post-war reconstruction. Only those who have won power can handle it properly. If other people are pitchforked into seats of power which they were not responsible for capturing, they will lack that strength, confidence and idealism which is indispensable for revolutionary reconstruction. It is this which accounts for the difference in the record of the Congress

and non-Congress ministries in the very narrow sphere of Provincial Autonomy.

No, there can be no question of the Congress party withering away after political freedom has been won. On the contrary, the party will have to take over power, assume responsibility for administration and put through its programme of reconstruction Only then will it fulfil its role. If it were forcibly to liquidate itself, chaos would follow. In the post-war Europe we find that only in those countries has there been orderly and continuous progress where the party which seized power undertook the work of reconstruction. I know that it will be argued that the continuance of a party in such circumstances, standing behind the state, will convert that state into a totalitarian one; but I cannnt admit the charge. The state will possibly become a totalitarian one, if there be only one party as in countries like Russia, Germany and Italy. But there is no reason why other parties should be banned. Moreover, the party itself will have a democratic basis unlike, for instance, the Nazi Party which is based on the "leader principle."

The existence of more than one party and the democratic basis of the Congress party will prevent the future Indian state becoming a totalitarian one. Further, the democratic basis of the party will ensure that leaders are not thrust upon the people from above, but are elected from below.

Though it may be somewhat premature to give a detailed plan of reconstruction, we might as well consider some of the principles according to which our future social reconstruction should take place. I have no doubt in my mind that our chief national problems relating to the eradication of poverty, illiteracy and disease and to scientific production and distribution can be effectively tackled only along socialistic lines. The very first thing which our future national government will have to do would be to set up a commission for drawing up a comprehensive plan of reconstruction.

This plan will have two parts—an immediate programme

and a long-period programme. In drawing up the first part, the immediate objectives which will have to be kept in view will be three fold—firstly, to prepare the country for self-sacrifice; secondly, to unify India; and thirdly, to give scope for local and cultural autonomy. The second and third objectives may appear to be contradictory, but they are not really so. Whatever political talent or genius we may possess as a people, will have to be used in reconciling these two objectives We shall have to unify the country so that we may be able to hold India against any foreign invasion.

While unifying the country through a strong central government, we shall have to put all the minority communities as well as provinces at their ease, by allowing them a large measure of autonomy in cultural as well as governmental affairs. Special efforts will be needed to keep our people together when the load of foreign domination is removed because alien rule has demoralised and disorganised us to a degree. To promote national unity we shall have to develop our lingua franca and a common script.

Further, with the help of such modern scientific contrivances as aeroplanes, telephone, radio, films, television etc., we shall have to bring the different parts of India closer to one another and through a common educational policy we shall have to foster a common spirit among the entire population. So far as our lingua franca is concerned. I am inclined to think that the distinction between Hindi and Urdu is an artificial one. The most natural lingua franca would be a mixture of the two such as is spoken in daily life in large portions of the country and this common language may be written in either of the two scripts, Nagari or Urdu. I am aware that there are people in India who strongly favour either of the two scripts to the exclusion of the other.

Our policy, however, should not be one of exclusion. We should allow the fullest latitude to use either script. At the same time, I am inclined to think that the ultimate solution and the best solution would be the adoption of a script that would

bring us into line with the rest of the world. Perhaps, some of our countrymen will gape with horror when they hear of the adoption of the Roman script, but I would beg them to consider this problem from the scientific and historical point of view. If we do that, we shall realize at once that there is nothing sacrosanct in the script. The Nagari script, as we know it today has passed through several phases of evolution. Besides, most of the major provinces of India have their own script and there is the Urdu script which is used largely by the Urdu-speaking public in India and by both Muslims and Hindus in provinces like the Punjab and Sind.

In view of such diversity, the choice of a uniform script for the whole of India should be made in a thoroughly scientific and impartial spirit, free from bias of every kind. I confess that there was a time when I felt that it would be anti-national to adopt a foreign script. But my visit to Turkey in 1934 was responsible for converting me. I then realized for the first time what a great advantage it was to have the same script as the rest of the world. So far as our masses are concerned, since more than 90 per cent are illiterate and are not familiar with any script, it will not matter to them which script we introduce when they are educated. The Roman script will, moreover, facilitate their learning a European language. I am quite aware how unpopular the immediate adoption of the Roman script would be in our country. Nevertheless, I would beg our countrymen to consider what would be the wisest solution in the long run.

With regard to the long-period programme for a free India, the first problem to tackle is that of our increasing population. I do not desire to go into the theoretical question as to whether India is over-populated or not. I simply want to point out that where poverty, starvation and disease are stalking the land we cannot afford to have our population mounting up by thirty millions during a single decade. If the population goes up by leaps and bounds, as it has done in the recent past, our plans are likely to fall through. It will therefore be desirable to restrict our population until we are able to feed, clothe and

educate those who already exist. It is not necessary at this stage to prescribe the methods that should be adopted to prevent a further increase in population, but I would urge that public attention be drawn to this question.

Regarding reconstruction, our principal problem will be how to eradicate poverty from our country. That will require a radical reform of our land-system, including the abolition of landlordism. Agricultural indebtedness will have to be liquidated and provision made for cheap credit for the rural population. An extension of the cooperative movement will be necessary for the benefit of both producers and consumers. Agriculture will have to be put on a scientific basis with a view to increasing the yield from the land.

To solve the economic problem, agricultural improvement will not be enough. A comprehensive scheme of industrial development under state-ownership and state-control will be indispensable. A new industrial system will have to be built up in place of the old one which has collapsed as a result of mass production abroad and alien rule at home. The Planning Commission will have to carefully consider and decide which of the home industries could be revived despite the competition of modern factories and in which sphere, large-scale production should be encouraged. However much we may dislike modern industrialism and condemn the evils which follow in its train, we cannot go back to the pre-industrial era, even if we desire to do so. It is well, therefore, that we should reconcile ourselves to industrialization and devise means to minimise its evils and at the same time explore the possibilities of reviving cottage industries where there is a possibility of their surviving the inevitable competition of factories. In a country like India, there will be plenty of room for cottage industries, especially in the case of industries including hand-spinning and hand-weaving allied agriculture.

Last but not least, the State on the advice of a Planning Commission, will have to adopt a comprehensive scheme for gradually socializing our entire agricultural and industrial

system in the spheres of both production and appropriation. Extra capital will have to be procured for this, whether through internal or external loans or through inflation.

Opposing or resisting the provincial part of the constitution will be hardly possible now, since the Congress Party has accepted office in seven out of eleven provinces. All that could be done would be to strengthen and consolidate the Congress as a result of it. I am one of those who were not in favour of taking office—not because there was something inherently wrong in doing so, not because no good could come out of that policy, but because it was apprehended that the evil effects of office-acceptance would outweigh the good. Today I can only hope that my forebodings were unfounded.

How can we strengthen and consolidate the Congress while our ministers are in office ? The first thing to do is to change the composition and character of the bureaucracy. If this is not done, the Congress Party may come to grief. In every country the ministers come and go, but the steel-frame of the permanent services remains. If that is not altered in composition and character, the governmental party and its cabinet are likely to prove ineffective in putting their principles into practice. This is what happened in the case of the Social Democratic Party in post-war Germany and perhaps in the case of the Labour Party in Great Britain in 1924 and 1929. It is the permanent services who really rule in every country. In India they have been created by the British and in the higher ranks they are largely British in composition. The outlook and mentality is in most cases neither Indian or national and a national policy cannot be executed until the permanent services become national in outlook and mentality. The difficulty, of course, will be that the higher ranks of the permanent services being under the Statute, directly under the Secretary of State for India and not under the provincial government, it will not be easy to alter their composition.

Secondly, the Congress Ministers in the different provinces should, while they are in office, introduce schemes of recons-

truction in the sphere of education, health, prohibition, prison reform, irrigation, industry, land-reform, workers' welfare etc. In this matter, attempts should be made to have, as far as possible, a uniform policy for the whole of India. This uniformity could be brought about in either of two ways. The Congress Ministers in the different provinces could themselves come together—as the Labour Ministers did in October, 1937 in Calcutta—and draw up a uniform programme. Over and above this, the Congress Working Committee which is the supreme executive of the Congress, could lend a helping hand by giving directions to the different departments of the Congress-controlled provincial governments in the light of such advice as it may get from its own experts. This will mean that the members of the Congress Working Committee should be conversant with the problems that come within the purview of the Congress governments in the provinces. It is not intended that they should go into the details of administration. All that is needed is that they should have a general understanding of the different problems so that they could lay down the broad lines of policy. In this respect, the Congress Working Committee could do much more than it has hitherto done and unless it does so, I, do not see how that body can keep an effective control over the different Congress Ministries.

At this stage I should like to say something more about the role of the Congress Working Committee. This Committee, in my judgment, is not merely the directing brain of the national army of fighters for freedom. It is also the shadow cabinet of independent India and it should function accordingly. This is not an invention of my own. It is the role which has been assigned to similar bodies in other countries that have fought for their national emancipation. I am one of those who think in terms of a Free India—who visualize a national government in this country within the brief span of our own life. It is consequently natural for us to urge that the Working Committee should feel and function as the shadow cabinet of a Free India. This is what President de Valera's republican government did when it was fighting the British Government and was on the run. And this is what the executive of the Wafd Party in

Egypt did before it got into office. The members of the Working Committee while carrying on their day to day work should accordingly study the problems they will have to tackle in the event of their capturing political power.

More important than the question of the proper working of the Congress Government is the immediate problem of how to oppose the inauguration of the federal part of the constitution. The Congress attitude towards the proposed federal scheme has been clearly stated in the resolution adopted by the Working Committee at Wardha on February 4, 1938, which will be placed before this Congress after the Subjects Committee has considered it. The resolution says :

"The Congress has rejected the new constitution and declared that a constitution for India which can be accepted by the people must be based on Independence and can only be framed by the people themselves by means of a Constituent Assembly without the interference by any foreign authority. Adhering to this policy of rejection the Congress has, however, permitted the formation in provinces of Congress Ministries with a view of strengthening the nation in its struggle for independence. In regard to the proposed federation, no such consideration applies even provisionally, or for a period, and the imposition of this federation will do grave injuries of India and tighten the bonds which hold her under the subjection of an imperialist domination. This scheme of federation excludes from the sphere of responsibility the vital function of a government.

"The Congress is not opposed to the idea of federation, but a real federation must, even apart from the question of responsibility, consist of free units, enjoying more or less the same measure of freedom and civil liberty and representation by a democratic process of election. Indian states participating in the Federation should approximate to the provinces in the establishment of representative institutions, responsible government, civil liberties and the method of election to the Federal House. Otherwise federation as it is now contemplated will, ins-

tead of building Indian unity, encourage separatist tendencies and involve the states in internal and external conflicts.

"The Congress, therefore, reiterates its condemnation of the proposed scheme and calls upon provincial and local Congress Committees and the people generally as well as provincial governments and ministries, to prevent its inauguration.

"In the event of an attempt being made to impose it, despite the declared will of the people, such an attempt must be combated in every way and the provincial governments and ministries must refuse to cooperate with it.

"In case such a contingency arises, the AICC is authorised and directed to determine the line of action to be pursued in this regard."

I should like to add some more arguments to explain our attitude of uncompromising hostility towards the proposed federation. One of the most objectionable features of the Federal Scheme relates to the commercial and financial safeguards in the new constitution. Not only will the people continue to be deprived of any power over defence or foreign policy, but the major portion of the expenditure will also be entirely out of popular control. According to the budget of the Central Government for the year 1937-38, the army expenditure comes to 44.61 crores of rupees (£33.46 millions) out of a total expenditure of 77.90 crores of rupees (£58.42 millions) that is, roughly 57 per cent, of the total expenditure of the Central Government. It appears that the reserved side of the Federal Government which will be controlled by the Governor-General will handle about 80 per cent of the federal expenditure. Moreover, bodies like Reserve Bank and the Federal Railway Authority are already created or will be created which will work as *imperium in imperio* uncontrolled by a federal legislature.

The legislature will be deprived of the powers it possesses at present to direct and influence railway policy and it will not

have any voice in determining the currency and exchange policy of the country, which has a vital bearing on its economic development. The fact that external affairs will be a reserved subject under the Federal Government will prejudicially affect the freedom of the Indian Legislature to conclude trade agreement and will seriously restrict, in effect, fiscal autonomy. The Federal Government will not be under any constitutional obligation to place such trade agreement before the legislature for their ratification, even as they decline at present to give an undertaking to place the Indo-British Trade Agreement before the Indian Legislative Assembly. The so-called fiscal autonomy convention will have no meaning unless it is stipulated that no trade agreement on behalf of India shall be signed by any party without its ratification by the Indian Legislature. In this connection, I should like to state that I am definitely of opinion that India should enter into bilateral trade agreements with countries like Germany, Czechoslovakia, Italy and the United State of America with whom she has had close trade relations in the past. But under the new constitution, it will not be within the power of the Federal Legislature to force the Federal Government to enter into such bilateral trade agreements.

The iniquitous and inequitable commerical safeguards embodied in the Act will make it impossible for any effective measures to be adopted in order to protect and promote Indian national industries especially where they might, as they often do, conflict with British commercial or industrial interests. In addition to the Governor-General's special responsibility to see that provisions with regard to discrimination, as laid down in the Act, are duly carried out, it is also his duty to prevent any action which would subject British goods imported into India to any kind of discriminatory or penal treatment.

A careful study of these stringent and wide provisions will show that India can adopt no measures against British competition which the Governor-General cannot, in effect, stultify or veto whether in the legislative or in the administrative sphere.

It is, of course, preposterous to permit foreigners in this country to compete with the national on equal terms and there can be no genuine Swaraj if India is to be denied the power to devise and adopt a national economic policy including the right, if her interests so require, of differentiating between nationals and non-nationals.

In a famous article in "Young India" under the caption "The Giant and the Dwarf" written soon after the conclusion of the Gandhi-Irwin Pact in 1931, Mahatma Gandhi declared plainly that "to talk of no discrimination between Indian interests and English or European, is to perpetuate Indian helotage. What is equality of rights between a giant and a dwarf? Even the meagre powers enjoyed by the Central Legislature at present to enact a measure like the reservation of the Indian coastal trade for India-owned and India-managed vessels has been taken away under the so-called reformed constitution. Shipping is a vital industry which is essential for defensive as well as for economic purposes, but all the accepted and legitimate methods of developing this key industry, including those adopted even by several British Dominions, are henceforth rendered impossible for India.

To justify such limitations on our sovereignty on the ground of "reciprocity" and "partnership" is literally to add insult to injury. The right of the future Indian parliament to differentiate or discriminate between nationals and non-nationals, whenever Indian interests require it, should remain intact and this right we cannot sacrifice on any account. I would like in this connection to cite the Irish parallel. The Irish Nationality and Citizenship Act of 1935 provides for a distinct Irish citizenship in connection with the electoral system, entry into public life, merchant shipping law, aircraft as also in connection with special privileges which it is thought proper to reserve for Irish nationals, such as those conferred through measures for assisting Irish industry. Irish citizenship, in other words, is distinct from British, which cannot claim equal rights in the State of Eire (or Ireland) on the basis of British citizenship which is not

recognised there. I feel that India must similarly seek to develop her own distinct nationality and establish a citizenship of her own.

While on the question of fiscal autonomy and commercial safeguards, I might refer briefly to the need of an active foreign trade policy for India. India's foreign trade should be viewed not in a haphazard or piecemeal manner as is often done in order to provide some immediate or temporary benefit to British Industry, but in a comprehensive manner so as to co-ordinate India's economic development with its export trade on the one hand its external obligation on the other. The very nature of India's export trade makes it essential that it shall not have any restrictive agreement with England such as would jeopardise its trade with the various non-Empire countries which have been in several respects its best customers, or such as would tend to weaken India's bargaining power *vis-a-vis* other countries.

It is unfortunate that the protracted negotiations for an Indo-British Trade Agreement are still proceeding, while the Ottawa Agreement, even after the expiry of its notice period and despite the decision of the Legislative Assembly to terminate it, still continues, and along with the differential duties on British steel and textiles, the said Ottawa Agreement secures the prevailing advantages for British industries.

There is no doubt that under the existing political conditions, any trade agreement between England and India is bound to be of an unequal character because our present political relationship would weigh the scales heavily in favour of England. There is also no doubt that the British preferential system is political in origin and before we permit non-Indian vested interests to be established or consolidated in this country under the shelter of a trade agreement, we should be careful as to its political repercussions and economic consequences. I trust that the present Indo-British trade negotiations will not be allowed to impede the conclusion of bilateral trade agreements with other countries whenever possible and that no such trade

agreement will be signed by the Government of India unless it is ratified by the Indian Legislature.

From the above, it will be quite clear that there is no analogy between the powers of the provincial ministries and those of the proposed federal ministry. Moreover, the composition of the Federal Legislature is reactionary to a degree. The total population of the Indian states is roughly 24 per cent of that of the whole of India. Nevertheless, the rulers of the states, not their subjects, have been given 33 per cent of the seats in the Lower House and 40 per cent in the Upper House of the Federal Legislature. In these circumstances, there is no possibility, in my opinion, of Congress altering its attitude towards the Federal Scheme at any time. On our success in resisting the imposition of Federation by the British Government will depend our immediate political future. We have to fight Federation by all legitimate and peaceful means —not merely along constitutional lines—and in the last resort, we may have to resort to mass civil disobedience which is the ultimate sanction we have in our hands. There can be little doubt that in the event of such a campaign being started in the future, the movement will not be confined to British India but will spread among the states' subjects. To put up an effective fight in near future, it is necessary to put our own house in order. The awakening among our own masses during the last few years has been so tremendous that new problems have arisen concerning our party organization. Meetings attended by fifty thousand men and women are an usual occurrence now-a-days. It is sometimes found that to control such meetings and demonstrations, our machinery is not adequate. Apart from these passing demonstrations, there is the bigger problem of mobilizing this phenomenal mass energy and enthusiasm and directing them along proper lines. But have we got a well disciplined volunteer corps for this purpose ? Have we got a cadre of officers for our national service ? Do we provide any training for our budding leaders, for our promising young workers ? The answers to these questions are too patent to need elaboration. We have not yet provided all these require-

ments of a modern political party, but it is high time that we did. A disciplined volunteer corps manned by trained officers is excceedingly necessary. Moreover, education and training should be provided for our political workers so that we may produce better type of leaders in future. This sort of training is provided by political parties in Britain through Summer Schools and other institutions—and is a speciality in totalitarian states. With all respect to our workers who have played a glorious part in our struggle, I must confess that there is room for more talent in our party. This defect can be made up partly by recruiting promising young men for the Congress and partly by providing education and training for those whom we already have. Everybody must have observed how some European countries have been dealing with this problem. Though our ideals and methods of training are quite different from theirs, it will be admitted on all hands that a thorough, scientific training is a requisite for our workers. Further, an institution like the Labour Service Corps of the Nazis deserves careful study and, with suitable modification, may prove beneficial to India.

While dealing with the question of enforcing discipline within our own party, we have to consider a problem which has been causing worry and embarrassment to many of us. I am referring to organizations like the Trade Union Congress and the Kisan Sabhas and their relations with the Indian National Congress. There are two opposing schools of thought on this question—those who condemn any organizations that are outside the Congress and those who advocate them. My own view it that we cannot abolish such organizations by ignoring or condemning them. They exist as objective facts and since they have come into existence and show no signs of liquidating themselves, it should be manifest that there is an historical necessity behind them. Moreover, such organizations are to be found in other countries. I am afraid that whether we like it or not, we have to reconcile ourselves to their existence. The only question is how the Congress should treat them. Obviously, such organizations should not appear as a

challenge to the National Congress which is the organ of mass struggle for capturing political power. They should, therefore, be inspired by Congress ideals and methods and work in close cooperation with the Congress. To ensure this, Congress workers should in large numbers participate in trade union and peasant organizations. From my own experience of trade union work I feel that this could easily be done without landing oneself in conflict or inconsistency. Cooperation between the Congress and the other two organizations could be facilitated if the latter deal primarily with the economic grievances of the workers and peasants and treat the Congress as a common platform for all those who strive for the political emancipation of their country.

This brings us to the vexed problem of the collective affiliation of workers and 'peasants' organizations to the Congress. Personally, I hold the view that the day will come when we shall have to grant this affiliation in order to bring all progressive and anti-imperialist organizations under the influence and control of the Congress. There will, of course, be difference of opinion as to the manner and the extent to which this affiliation should be given and the character and stability of such organizations will have to be examined before affiliation could be agreed to. In Russia, the united front of the Soviets of workers, peasants and soldiers played a dominent part in the October revolution, but, on the contrary, in Great Britain we find that the British Trades Union Congress exerts a moderating influence on the National Executive of the Labour Party.

In India we shall have to consider carefully what sort of influence, organizations like the Trade Union Congress and the Kisan Sabhas will exert on the Indian National Congress in the event of affiliation being granted and we should not forget that there is the possibility that the former may not have a radical outlook if their immediate economic grievances are not involved. In any case, quite apart from the question of collective affiliation, there should be the closest cooperation between the National Congress and other anti-imperialist organizations and

this object would be facilitated by the latter adopting the principles and methods of the former.

There has been a great deal of controversy over the question of forming a party, like the Congress Socialist Party, within the Congress. I hold no brief for the Congress Socialist Party and I am not a member of it. Nevertheless, I must say that I have been in agreement with its general principles and policy from the very beginning. In the first place, it is desirable for the leftist elements to be consolidated into one party. Secondly, a leftist *bloc* can have a *raison d'etre* only if it is socialist in character. There are friends who object to such a *bloc* being called a party, but to my mind it is quite immaterial whether you call that *bloc* a group, league, or party.

Within the limits prescribed by the constitution of the Indian National Congress it is quite possible for a leftist *bloc* to have a socialist programme, in which case it can be very well called a group, league, or party. But the role of the Congress Socialist Party, or any other party of the same sort, should be that of a left-wing group. Socialism is not an immediate problem for us—nevertheless, socialist propaganda is necessary to prepare the country for socialism when political freedom has been won. And that propaganda can be conducted only by a party like the Congress Socialist Party, which stands for and believes in socialism.

There is one problem in which I have been taking a deep, personal interest for some years and in connection with which I should like to make my submission—I mean the question of a foreign policy for India and of developing international contacts. I attach great importance to this work because I believe that in the years to come, international developments will favour our struggle in India. But we must have a correct appreciation of the world situation at every stage and should know how to take advantage of it. The lesson of Egypt stands before us as an example. Egypt won her Treaty of Alliance with Great Britain without firing a shot, simply because she

knew how to take advantage of the Anglo-Italian tension in the Mediterranean.

In connection with our foreign policy, the first suggestion that I have to make is that we should not be influenced by the internal politics of any country or the form of its state. We shall find in every country, men and women who will sympathise with Indian freedom, no matter what their own political views may be. In this matter we should take a leaf out of Soviet diplomacy. Though Soviet Russia is a communist state, her diplomats have not hesitated to make alliances with non-socialist states and have not declined sympathy or support coming from any quarter. We should therefore aim at developing a nucleus of men and women in every country who would feel sympathetic towards India. To create and develop such a nucleus, propaganda through the foreign press, through India-made films and through art exhibitions would be helpful.

The Chinese, for example, have made themselves exceedingly popular in Europe through their art exhibitions. Above all, personal contacts are necessary. Without such personal contacts, it would be difficult to make India popular in other countries. Indian students abroad could also help in this work, provided we in India look to their needs and requirements. There should be closer contact between Indian students abroad and the Indian National Congress at home. If we could send out cultural and educational films made in India, I am sure that India and her culture would become known and appreciated by people abroad. Such films would prove exceedingly useful to Indian students and Indian residents in other countries, who at present are like our non-official ambassadors.

I do not like the word propaganda—there is an air of falsity about it. But I insist that we should make India and her culture known to the world. I say this because I am aware that such efforts will be welcomed in every country in Europe and America. If we go ahead with this work, we shall be preparing the basis for our future embassies and legations in diffe-

rent lands. We should not neglect Great Britain either. We have even in that country a small but influential group of men and women who are genuinely sympathetic towards Indian aspirations. Among the rising generation and students in particular, interests in and sympathy for India is rapidly on the increase. One has only to visit the universities of Great Britain to realize that.

To carry on this work effectively, the Indian National Congress should have its trusted agents in Europe, Asia, Africa and in North, Central and South America. It is a pity that we have so far neglected Central and South America where is profound interest in India.

The Congress should be assisted in this work of developing international contacts by cultural organizations in India, working in the field of international culture and by the Indian Chambers of Commerce working in the sphere of international commerce. Further, Indians should make it a point to attend every international Congress or conference. Participation in such conferences is a very useful and healthy form of propaganda for India.

While talking of international contacts, I should remove a misgiving which may be present in some minds. Developing international contacts does not mean intriguing against the British Government. We do not need go in for such intrigues and all our methods should be above board. The propaganda that goes on against India all over the world is to the effect that India is an uncivilized country and it is inferred therefrom that the British are needed in order to civilize us. As a reply, we have only to let the world know what we are and what our culture is like. If we can do that, we shall create such a volume of international sympathy in our favour that India's case will become irresistible before the bar of world opinion.

I should not forget to refer to the problems, the difficulties and the trials which face our countrymen in different parts of Asia and Africa, notably in Zanzibar, Kenya, South Africa,

Malaya and Ceylon. The Congress has always taken keenest interest in their affairs and will continue to do so in future. If we have not been able to do more for them, it is only because we are still slaves at home. A free India will be a healthy and potent factor in world politics and will be able to look after the interests of its nationals abroad.

I must in this connection stress the desirability and necessity of developing closer cultural relations with our neighbours viz., Persia, Afghanistan, Nepal, China, Burma, Siam, Malaya States, East Indies and Ceylon. It would be good for both parties if they knew more of us and we knew more of them. With Burma and Ceylon, in particular, we should have the most intimate cultural intercourse, in view of our age-long contacts.

Friends, I am sorry I have taken more of your time than I had intended at first, but I am now nearing the end of my address. There is one important matter—the burning topic of the day—to which I should now draw your attention—the question of the release of detenus and political prisoners. The recent hunger strikes have brought this question to the forefront and have focussed public attention on it. I believe that I am voicing the feelings of at least the rank and file of the Congress when I say that everything humanly possible should be done to expedite release. So far as the Congress ministries are concerned, it would be well to note that the record of some of them has not come up to public expectation. The sooner they satisfy the public demand, the better it will be for the Congress and for the people who are suffering in provinces ruled by non-Congress ministries. It is not necessary for me to labour this point and I fervently hope that in the immediate future, the public will have nothing to complain of so far as the record of the Congress ministries on this point is concerned.

It is not only the detenus and political prisoners in jail and detention who have their tale of woe. The lot of those who

have been released is sometimes no better. They often return home in shattered health, victims of fell diseases like tuberculosis. Grim starvation stares them in the face and they are greeted, not with the smiles but with the tears of their near and dear ones. Have we no duty to those who have given of their best in the service of their country and have received nothing but poverty and sorrow in return ?

Friends, one word more and I have done. We are faced with a serious situation today. Inside the Congress there are differences between the right and the left which it would be futile to ignore. Outside, there is the challenge of British Imperialism which we are called upon to face. What shall we do in this crisis ? Need I say that we have to stand four-square against all the storms that may beset our path and be impervious to all the designs that our rulers may employ ? The Congress today is the one supreme organ of mass struggle. It may have its right bloc and its left—but it is the common platform for all anti-imperialist organizations striving for Indian emancipation.

Let us, therefore, rally the whole country under the banner of the Indian National Congress. I would appeal specially to the leftist groups in the country to pool all their strength and their resources for democratising the Congress and reorganizing it on the broadest anti-imperialist basis In making this appeal, I am greatly encouraged by the attitude of the leaders of the British Communist Party whose general policy with regard to India seems to me to be in keeping with that of the Indian National Congress.

In conclusion, I shall voice your feeling by saying that all India fervently hopes and prays that Mahatma Gandhi may be spared to our nation for many, many years to come. India cannot afford to lose him and certainly not at this hour. We need him to keep our people united. We need him to keep our struggle free from bitterness and hatred. We need him for the cause of Indian independence. What is more we need him for

the cause of humanity. Ours is a struggle not only against British Imperialism, but against world imperialism as well, of which the former is the key-stone. We are, therefore, fighting not for the cause of India alone, but for humanity as well. India freed means humanity saved.

*Vande Mataram*

# 15

## FINAL MOVE TOWARD SWARAJ*

Comrade Chairman, Sister and Brother Delegates,

I thank you from the bottom of my heart for the great honour you have done me by re-electing me to the Presidential chair of the Indian National Congress and also for the warm and cordial welcome you have given me here at Tripuri. It is true that at my request you have had to dispense with some of the pomp that is usual on such occasions—but I feel that that enforced step has not taken away one iota of the warmth and cordiality of your reception and I hope that nobody will regret the curtailment of it on this occasion.

Friends, before I proceed any further I shall voice your feeling by expressing our joy at the success of Mahatma Gandhi's mission to Rajkot and the termination of his fast in consequence thereof. The whole country now feels happy and tremendously relieved.

Friends, this year promises to be an extraodinary one in many ways. The Presidential election this time was not of the humdrum type. The election was followed by sensational developments culminating in the resignation of twelve out of fiteen members of the Working Committee, headed by Sardar Vallabhbhai Patel, Maulana A.K. Azad and Dr. Rajendra Prasad. Another distinguished and eminent member of the Working Committee Pandit Jawahar Lal Nehru, though he did not formally resign, issued a statement which led everybody

*Presidential address delivered by Subhas Chandra Bose at the Tripuri Congress held on 10-12 March, 1939.

to believe that he had also resigned. On the eve of the Tripuri Congress, events at Rajkot forced Mahatma Gandhi to undertake a vow of fast unto death. And then the President arrived at Tripuri a sick man. It will, therefore, be in the fitness of things if the Presidential address this year can claim to be a departure from precedent in the matter of its length.

Friends, you are aware that the Wafdist delegation from Egypt have arrived in our midst as guests of the Indian National Congress. You will join me in according a most hearty welcome to all of them. We are very happy that they found it possible to accept our invitation and make the voyage to India. We are only sorry that political exigencies in Egypt did not permit the President of the Wafd, Mustpha El Nahas Pasha, to personally lead this delegation. Having had the privilege of the Wafdist Party, my joy today is all the greater. Once again, I offer them on behalf of our countrymen a most hearty and cordial welcome.

Since we met at Haripura in February, 1938, several significant events have happened in the international sphere. The most important of these is Munich Pact of September 1938, which implied an abject surrender to Nazi Germany on the part of the Western Powers, France and Great Britain. As a result of this, France ceased to be the dominant power in Europe and the hegemony passed into the hands of Germany without a shot being fired. In more recent times, the gradual collapse of the Republican Government in Spain seems to have added to the strength and prestige of Fascist Italy and Nazi Germany. The so-called democratic powers, France and Great Britain, have joined Italy and Germany in conspiring to eliminate Soviet Russia from European politics, for the time being. But how long will that be possible ? There is no doubt that as a result of recent international developments, in Europe as well as in Asia, British and French Imperialisms have received a considerable setback in the matter of strength and prestige.

Coming to home politics, in view of my ill health, I shall content myself with referring to only a few important problems.

In the first place, I must give clear and unequivocal expression to what I have been feeling for some time past, namely, that the time has come for us to raise the issue of Swaraj and submit our national demand to the British Government in the form of an ultimatum, and give a certain time-limit within which a reply is to be expected. If no reply is received within this period or if an unsatisfactory reply is received, we should report to such sanctions as we possess in order to enforce our national demand. The sanctions that we possess today are mass Civil Disobedience or Satyagraha. And the British Government today are not in a position to face a major conflict like an All-India Satyagraha for a long period.

It grieves me to find that there are people in Congress who are so pessimistic as to think that the time is not ripe for a major assault on British Imperialism. But looking at the situation in a thoroughly realistic manner, I do not see the slightest ground for pessimism. With Congress in power in eight provinces, the strength and prestige of our national organisation have gone up. The mass movement has made considerable headway throughout British India. And last but not the least, there is an unprecedented awakening in the Indian states. What more opportune moment could we find in our national history for a final advance in the direction of Swaraj, particularly when the international situation is favourable to us? Speaking as a cold-blooded realist, I may say that all the facts of the present-day situation are so much to our advantage that one should entertain the highest degree of optimism. If only we sink our differences, pool our resources and pull our full weight in the national struggle, we can make our attack on British Imperialism irresistible. Shall we have the political foresight to make the most of our present favourable position or shall we miss this opportunity, which is rare opportunity in the life-time of a nation?

I have already referred to the awakening in the Indian states. I am definitely of the view that we should revise our

attitude towards the states as defined by the Haripura Congress resolution. That resolution, as you are aware, put a ban on certain forms of activity in the state being conducted in the name of the Congress. Under that resolution, neither parliamentary work nor struggle against the state should be carried on in the name of the Congress. But since Haripura much has happened. Today we find that the Paramount power is in league with the state authorities in most places. In such circumstances, should we of the Congress not draw close to the people of the states ? I have no doubt in my own mind as to what our duty is today!

Besides lifting the above ban, the work of guiding the popular movements in the state for Civil Liberty and Responsible Government should be conducted by the Working Committee on a comprehensive and systematic basis. The work so far done has been of a piecemeal nature and there has hardly been any system or plan behind it. But the time has come when Working Committee should assume this responsibility and discharge it in a comprehensive and systematic way and, if necessary, appoint a special sub-committee for the purpose. The fullest use should be made of the guidance and cooperation of Mahatma Gandhi and of the cooperation of the All-India States' Peoples Conference.

I have referred earlier to the advisability of our making a final advance in the direction of Swaraj. That will need adequate preparation. In the first place, we shall have to take steps to ruthlessly remove whatever corruption or weakness has entered our ranks largely due to the lure of power. Next, we shall have to work in close cooperation with all anti-Imperialist organisations in the country particularly the Kisan movement and the Trade Union movement. All the radical elements in the country must work in close harmony and cooperation and the efforts of all anti-Imperialist organisations must converge in the direction of a final assault on British Imperialism.

Friends, today the atmosphere within the Congress is clouded and dissensions have appeared. Many of our friends are conse-

quently feeling depressed and dispirited. The cloud that you see consequently feeling depressed and dispirited. The cloud that you see today is a passing one. I have faith in the patriotism of my countrymen and I am sure that before long we shall be able to tide over the present difficulties and restore unity within our ranks. A somewhat similar situation had arisen at the time of the Gaya Congress in 1922 and thereafter, when Deshbandhu Das and Pandit Motilal Nehru of hollowed memory started the Swaraj Party. May the spirit of my late Guru, of revered Motilalji and of other great sons of India inspire us in the present crisis and Mahatma Gandhi, who is still with us to guide and assist our nation, help the Congress out of the present tangle is my earnest prayer.

*Vande Mataram*

# 16

## INDIA AS A UNITED NATION*

Friends,

In 1923 you elected me President of this National Assembly. For the second time, after seventeen years, you have once again conferred upon me the same honour. Seventeen years is not a long period in the history of national struggles. But now the pace of events and world change is so rapid that our old standards no longer apply. During these last seventeen years we have passed through many stages, one after another. We had a long journey before us and it was inevitable that we should pass through several stages. We rested at many a point no doubt, but never stopped. We surveyed and examined every prospect but we were not ensnared by it and passed on. We faced many ups and downs but always our faces were turned towards the goal. The world may have doubted our intentions and determination but we never had a moment's doubt.

Our path was full of difficulties and at every step we were faced with great obstacles. It may be that we did not proceed as rapidly as we desired but we did not flinch from marching forward. If we look back upon the period between 1923 and 1940, nineteen-twenty-three will appear to us a faded landmark in the distance. In 1923 we desired to reach our goal but the goal was so distant then that even the milestones were hidden from our eyes. Raise your eyes today and look ahead. Not only do you see the milestones clearly but the goal itself is not distant. But this is evident that the nearer we get to the goal

*Presidential address delivered by Maulana Abul Kalam Azad at the Ramgarh Congress held on 19-20 March, 1940.

the more intense does our struggle become. Although the rapid march of events has taken us further from our old landmark and brought us nearer our goal, yet it has created new troubles and difficulties for us. Today our caravan is passing a very critical stage. The essential difficulty of this period lies in its conflicting possibilities. It is very probable that a correct step may bring us very near our goal, and on the other hand, a false step may land us in fresh troubles and difficulties.

At such a critical juncture you have elected me President and thus demonstrated the great confidence you have in one of your co-workers. It is a great honour and a great responsibility. I am grateful for the honour and crave your support in shouldering the responsibility. I am confident that the fullness of your confidence in me will be a measure of the fullness of the support that I shall continue to receive.

*The Real Problem of the Day*

I think that I should now come straight to the real problem before us without further delay.

The first and the most important question before us is this: Whither is the step taken by us in consequence of the declaration of War on the 3rd September, 1939, leading us? And where do we stand now?

Probably in the history of the Congress, the 1936 session at Lucknow marked a new ideological phase, when the Congress passed a long resolution on the international situation and placed its viewpoint clearly and categorically before the public. After this a consideration of the international situation, and a resolution thereon, became an essential and integral part of the annual declarations of the Congress. Thus this decision on this subject was arrived at and placed before the world with full deliberation. These resolutions embodied at one and the same time, two declarations to the world : Firstly, we stated, what I have described as a new ideology in Indian politics, that we could not remain in isolation from the political events of

the outside world, even in our present state of helplessness. It was essential that while we forget our way ahead and fashioned our future, we must not confine ourselves merely to our own surroundings but should keep a vigilant watch on the conditions of the outside world. Innumerable changes in the world have brought countries and nations nearer to one another; so that the waves of thought and action, rising in one corner of the world, flow and produce immediate reactions in other places.

It is, therefore, impossible today for India to consider her problems while confining herself within her own four walls. It is inevitable that events in the outside world should have their repercussions in India; it is equally inevitable that our decisions and the conditions prevailing in India should affect the rest of that world. It was this consciousness and belief which brought about our decisions. We declared by these resolutions against reactionary movements like Fascism and Nazism which were directed against democracy and individual and national freedom. These movements were gaining strength day by day and India regarded this as the greatest danger to world progress and peace. India's head and heart were with those peoples who were standing up for democracy and freedom and resisting this wave of reaction.

But while we were considering the dangers arising from Fascism and Nazism, it was impossible for us to forget the older danger which has been proved to be infinitely more fatal to the peace and freedom of nations than these new dangers, and which has in fact supplied the basis for this reaction. I refer to British imperialism. We are not distant spectators of this imperialism, as we are of the new reactionary movements. It has taken possession of our house and nominates over us. It was for this reason that we stated in clear terms that if new entanglements in Europe brought about war, India, which has been debarred from exercising her will and making free decisions, will not take any part in it. She could only consider this question when she had acquired the right of coming to decisions according to her own free will and choice.

India cannot endure the prospect of Nazism and Fascism, but she is even more tired of British imperialism. If India remains deprived of her natural right to freedom, this would clearly mean that British imperialism continued to flourish with all its traditional characteristics, and under such conditions, India would on no account be prepared to lend a helping hand for the triumph of British imperialism. This was the second declaration which was constantly emphasized through these resolutions. These resolutions were repeatedly passed from the Lucknow session onwards till August 1939 and are known by the name of "War Resolutions."

All these declarations of the Congress were before the British Government when suddenly, in the third week of August 1939, the war clouds gathered and thundered and, at the beginning of September, the war began.

At this stage I will ask you to pause for a moment and look back. What were the conditions prevailing in August last ?

The Government of India Act of 1935 was imposed upon India forcibly by the British Government and, as usual, resorting to the old stratagem, it tried to make the world believe that it had conferred a big instalment of India's national right upon her. The world knows the decision of the Congress to reject this Act. Nevertheless the Congress decided to avoid a conflict at that stage and preferred a respite. It resolved to take charge of Provincial Governments on a certain definite condition. After this decision the Congress ministries were functioning successfully in eight out of the eleven Provinces, and it was in the interest of Great Britain herself to maintain this state of affairs for as long a period as possible. There was yet another factor. So far as the war was concerned, India had clearly condemned Nazi Germany. Her sympathies were with the democratic nations, and this was a point in Britain's favour.

Under such circumstances, it was natural to expect that if the British Government had changed its old imperialistic menta-

lity in the slightest degree, it would, even though as a measure of expediency, change its old methods at this juncture and afford an opportunity to India to feel that she was breathing in a changed atmosphere. But we all know how the British Government behaved in this matter. There was not even a shadow of change discernible in its methods. Its policy was dictated exactly in accordance with the habits of an imperialism a hundred and fifty years old. It decided its course of action and, without India being afforded in any manner and in the slightest degree an opportunity to declare freely her opinion, her participation in the War was announced. It was not even considered necessary to give those representative assemblies, imposed upon us by British diplomacy for purposes of show, an opportunity of expressing their opinion.

The whole world knows, and so do we, how all the Empire countries were given freedom of decision; the representative assemblies of Canada, Australia, New Zealand, South Africa, Ireland, all of them arrived at an independent decision, in regard to their participation in the War, without the least outside interference. Not only this but when Ireland decided to remain neutral, no surprise was shown nor was a single voice raised against it in Great Britain. Mr. De Valera, in the very shadow of England, refused to extend his help to Britain in the war unless the question of Ulster was settled to his satisfaction.

But what place did India occupy in this picture of the British Commonwealth ? India is being told today that the generous hand of Britain will confer upon her the precious gift of Dominion Status in the near but unknown future. When the war began, a war which will probably be one of the greatest in the world, India was pushed into it suddenly without her even realising that she was entering it. This fact alone was sufficient to show us which way the wind was blowing. But there was no need for us to hurry. Other opportunities were to come and the time was not distant when we could see the face of British imperialism even more unmasked and at cl oser quarters.

When in 1914 the first spark was ignited in a corner of the Balkans, England and France raised the cry of the rights of small nations. Later, President Wilson's fourteen points came into view; their fate is well known to the world. On that occasion the situation was different. After the last war, England and France, intoxicated with victory, adopted a course of action which necessarily resulted in a reaction. This reaction grew. It took the shape of Fascism in Italy and Nazism in Germany, and unrestrained dictatorships, based on brute force, challenged the peace and freedom of the world. When this happened, inevitably the world aligned itself in two rival camps: one supporting democracy and freedom; the other encouraging the forces of reaction. And in this way a new picture of the coming war began to take shape. Mr. Chamberlain's Government, to which the existence of Soviet Russia was much more unbearable than the existence of Fascist Italy and Nazi Germany and which considered Russia to be a living challenge to British imperialism, continued to watch this situation for three years. Not only this, but by its attitude it clearly and repeatedly encouraged Fascist and Nazi ambitions. Abyssinia, Spain, Austria, Czechoslovakia and Albania, disappeared as free countries, one after the other, from the map of the world. And Great Britain, by her vacillating policy, continually assisted in the destruction of their freedom. But when this course of action produced its natural and ultimate result and Nazi Germany marched ahead unchecked, the British Government found itself compelled to enter the arena of war. Had it not done so then, the power of Germany would have become an intolerable menace to British imperialism. Now the new slogans of freedom, world peace, democracy, took the place of the old cry of saving the smaller nations, and the whole world began to ring with these cries. The declaration of war on the 3rd September by Britain and France was made to the accompaniment of the resounding echoes of these slogans. The peoples of the world were bewildered and harassed by the brutal trial of strength and the worldwide unrest created by these new reactionary forces, and they lent a willing ear to the siren voice of these slogans.

*The Congress Demand*

War was declared on the 3rd of September and on the 7th September the All-India Congress Working Committee met at Wardha to deliberate upon the situation. What did the Working Committee do on this occasion ? All the declarations of the Congress made since 1936 were before it. It had also to face the action taken by the British Government in declaring India as a belligerent country. Undoubtedly the Congress could not have been blamed had it come to a final decision in accordance with the logic of the situation. But it continued to keep vigilant watch on its mind and heart; it resisted the natural urge of the moment for an acceleration of pace; it deliberated upon every aspect of the matter, unemotionally and dispassionately, and took the step which today entitles India to raise her head and say to the world that this was the only correct step which could have been then taken. The Congress postponed its final decisions and asked the British Government to state its war aims, for on this depended not only peace and justice for India, but for the whole world. If India was being invited to participate in this war, she had a right to know why this war was being fought. What was its object ? If the result of this grim tragedy was not to be the same as that of the last war, and if it was really being fought to safeguard freedom, democracy and peace and to bring a new order to the world, then, in all conscience, India had a right to know, what would be the effect of these aims on her own destiny.

The Working Committee formulated this demand in a long statement which was published on the 14th September, 1938. If I express the hope that this statement will occupy an outstanding place in recent Indian history. I am sure I am not claiming too much of the future historian. This is a simple but irrefutable document, based on truth and reason, and it can only be set aside by the arrogant pride of armed force. Though this cry was raised in India, in fact it was not of India only, but it was the agonised cry of wronged humanity, whose hopes had so often before been betrayed. Twenty-five years ago the world was plunged into one of the biggest infernos of death and des-

truction known to history, and yet this was but a preparation for a still bigger castrophe. The world was bewitched and its hopes were kindled by cries of freedom for small nations, collective security, self-determination, disarmament, League of Nations and international arbitration, and of similar high sounding phrases. But what was the result in the end ? Every cry proved false; every vision that seemed so real to us, vanished as a dream. Again nations are being plunged into the blood and fire of war. Should we part with reason and reality so completely as not even to ask why this is being done and how this affects our destiny before plunging into this deluge of death and destruction ?

*The Answer of the British Government and the First Step of the Congress*

In answer to this demand of the Congress a regular series of statements were made on behalf of the British Government, both in England and in India. The first link of the series was the Delhi declaration of the Viceroy, dated the 17th October. This lengthy statement is perhaps a finished example of that peculiarly involved and tiring style which characterises the official literature of the Government of India. After reading page after page of this statement, the curtain is at last lifted with hesitation. We have a glimpse. We are told then that if we want to know the war aims we must read a speech by the Prime Minister of Britain, and this speech deals only with the peace of Europe and with the adjustment of international relations. Even the words "Freedom" and "Democracy" are not to be found in the Viceroy's statement. So far as India is concerned, it only reaffirms the policy laid down in the preamble of the 1919 Act, which is now embodied in the 1935 Act. Today that policy continues to be the same; there is nothing to add to it or to improve it.

On the 17th of October, 1939, the statement of the Viceroy was published and the Working Committee met to deliberate upon it on the 22nd October at Wardha. Without any discussion it came to the conclusion that this reply could under no

circumstances be considered satisfactory, and that it should now unhesitatingly give the decision, which it had postponed till then. The decision of the Working Committee was as follows :

> "In the circumstances, the Committee cannot possibly give any support to Great Britain, for it would amount to an endorsement of the imperialistic policy which the Congress has always sought to end. As a first step in this direction, the Committee call upon the Congress ministries to tender their resignations."

As a result of this decision the Congress ministries in eight provinces resigned.

This was but the first step which the Congress took in the series of events. Now we have to see to what these events led. The communique of the Viceroy issued on the 5th February from Delhi giving the resume of the talk between him and Mahatma Gandhi, and Mahatma Gandhi's statement of the 6th February may be regarded as the last of this series. We all know the substance of the Viceroy's statement. The British Government, it is stated, fully desires that India should, in the shortest time possible under the circumstances, attain the status of a British dominion, and that the transition period should be as short as possible But it is unwilling to concede to India the right of framing her own constitution and deciding her own destiny through her own elected representatives without outside interference. In other words, the British Government does not accept the position that India has got the right of self-determination.

At the first touch of reality the structure of make-belief fell to pieces. For the last four years the world resounded with cries of democracy and freedom. The utterances of the most responsible spokesmen of England and France in this regard are so fresh in our memory as not to need recall. But the moment India raised this question, the reality behind these utterances was unveiled. Now we are told that, without doubt, safeguard-

ing the freedom of nations is the aim of this war but that this is confined within the geographical limits of Europe. The peoples of Asia and Africa should not dare to have any such hopes. Mr. Chamberlain has made this even more clear in his Birmingham speech of the 24th February, though we never had any doubts about the matters. He confirmed the British Government's action by his words. Proclaiming British war aims, he stated that they were fighting to secure that small nations in Europe shall henceforth live in security, free from the constant threat of aggression against their independence.

Though this answer about war aims has been given through a British spokesman, yet in reality it interprets the real mentality of Europe as a whole, which has been known to the world for the last two hundred years. In the eighteenth and nineteenth centuries whatever principles were accepted for individual and collective human freedom, the right to claim them and to benefit from them was limited to European nations. And even amongst them, its application was confined to the Christian nations of Europe. Today, in the middle of the twentieth century, the world has so changed that the thoughts and actions of the last century read like ancient history, and appear to us as faded landmarks in the distinctive landmarks of Europe emphasizing human rights, which has not faded and is still with us. We have not passed it yet, or achieved those rights.

This reality has been brought home to us again by the problem of our own political and national rights in India. When, after the declaration of war, we raised the question of war aims and their effect on India's destiny, we were not forgetful of British policy in 1917 and 1919. We wanted to know how in the year 1939, when the world was covering the track of centuries in the course of days, England looked at India. Had that look changed ? We were given a clear reply that it had not even now there was no change in that imperialist outlook. We are told to believe that the British Government is very desirous that India should attain the status of a dominion, in the shortest possible period. We knew even before that the British

Government had expressed this desire. Now we know that they are very anxious indeed.

But it is not a question of the desire or of the measure of the desire of the British Government. The straight and simple question is of India's rights; whether she is entitled to determine her own fate or not. On the answer to this question depend the answers to all other questions of the day. This question forms the foundation stone of the Indian problem; India will not allow it to be removed, for if it is displaced, the whole structure of Indian nationalism will collapse.

So far as the question of war is concerned our position is quite clear. We see the face of British imperialism as clearly now as we did in the last war, and we are not prepared to assist in its triumph by participating in the war. Our case is crystal clear. We donot wish to see British imperialism triumphant and stronger and thus lengthen the period of our own subjection to it. We absolutely refuse to do so. Our way lies patently in the opposite direction.

*Where do we Stand Today*

Let us return to our starting point and consider once again whither the step that we took after the declaration of war on the 3rd September is leading us. Where do we stand today? The answer to both these questions is by this time apparent to your minds and is hovering on your lips. It is not even necessary that your lips should tell me for I feel the quivering of your hearts. The step of temporary and partial cooperation which we took in 1937, we withdrew after the declaration of war. Inevitably we inclined towards further steps in non-cooperation. As we stand today, we have to decide whether we should march forward in this direction or go backward. When once a step is taken, there is no stopping. To cry halt, is to go back, and we refuse to go back. We can only, therefore, go forward. I am sure that the voice of everyone of you joins mine when I proclaim that we must and will go forward.

*Mutual Settlement*

In this connection one question naturally faces us. It is the verdict of history that in a struggle between nations, no power forgoes its possessions unless compelled to do so. Principles of reason and morality have affected the conduct of individuals but have not affected the selfish conduct of powers that dominate. Today even in the middle of the twentieth century, we witness how the new reactionary forces in Europe have shattered man's faith in individual and collective human rights. In place of justice and reason, brute force has become the sole argument in the determination of rights. But while the world is presenting this depressing picture, there is another side, the hopeful side, which cannot be ignored. We see countless millions all over the world, without any distinction, awakening to a new consciousness which is spreading everywhere with great rapidity. This new consciouness is tired of the utter hopelessness of the old order, and is impatient for a new order based on reason, justice and peace. This new awakening which arose after the last war and took root in the deepest recesses of the human soul, has now come to dominate men's minds and their utterances. Perhaps there is no parallel in history to the speed of this awakening.

In these circumstances was it beyond the realm of possibility that history should, contrary to its old record, take a new step? Was it impossible that two great peoples of the world, who had been tied together by the course of events as rulers and the ruled, should create a new relationship between them, based on reason, justice and peace? If that had been possible, the sorrows born of world war would have given place to a new-born hope; and the new order of reason and justice would have ushered in a new dawn. If the British people could have proudly said to the world today that they had added such a new example to history, what a vast and unparalleled triumph this would have been for humanity. Certainly this was not an impossibility, but it was an amazingly difficult thing to do.

In the prevailing darkness of the times, it is faith in the bright side of human nature which sustains the great soul of Mahatma Gandhi. He is always prepared to take advantage of every opening which might lead to a mutual settlement without feeling that he is weakening his unassailable position.

Since war began, several members of the British Cabinet have tried to make the world believe that the old order of British imperialism has ended, and that today the British nation has no other aims except those of peace and justice. Which country could have more warmly acclaimed such a declaration than India ? But the fact is that in spite of these declarations, British imperialism stands in the way of peace and justice today exactly as it did before the war. The Indian demand was the touch-stone for all such claims. They were so tested and found to be counterfeit and untrue.

*The Minorities and the Political Future of India*

I have briefly placed before you the real question of the day. That is the vital question for us, all else are subsidiary to it. It was in relation to that question that the Congress put forward its invitation to the British Government in September last, and made a clear and simple demand, to which no community or group could possibly object. It was not in our remotest thoughts that the communal question could be raised in this connection. We realise that there are some groups in the country which cannot keep step with the Congress in the political struggle or go as far as the Congress is prepared to go; we know that some donot agree with the method of direct action which the great majority of political India has adopted. But so far as the right of the Indian people to independence is concerned and the full admission of India's birthright to freedom, an awakened and impatient India has passed far beyond the early stages, and none dare oppose our demand. Even those classes who cling to their special interests and fear change lest this might affect them adversely, are rendered helpless by the spirit of the times. They have to admit and to agree to the goal we have set before us.

A time of crisis is a testing time for all of us, and so the great problem of the day has tested us and exposed many an aspect of our present-day politics. It has laid bare also the reality that lies behind the communal problem. Repeated attempts were made, in England and India, to mix up the communal question with the vital political question of the day, and thus to confuse the real issue. Again and again, it was sought to convince the woild that the problem of the minorities barred the way to a proper solution of India's political problem.

For a hundred and fifty years British imperialism has pursued the policy of divide and rule, and by emphasising internal differences, sought to use various grops for the consolidation of its own power. That was the inevitable result of India's political subjection, and it is folly for us to complain and grow bitter. A foreign government can never encourage internal unity in the subject country, for disunity is the surest guarantee for the continuance of its own domination. But when we were told, and the world was asked to believe, that British imperialism had ended, and the long chapter of Indian history dominated by it had closed, was it unreasonable for us to expect that British statesmen would at last give up this evil inheritance and not exploit the communal situation for political ends? But the time for this is yet distant, we may not cling to such vain hopes. So the last five months with their succession of events have established. Imperialism, in spite of all assurances to the contrary, still flourishes; it has yet to be ended.

But whatever the roots of our problems might be, it is obvious that India, like other countries, has her internal problems. Of these, the communal problem is an important one. We do not and cannot expect the British Government to deny its existence. The communal problem is undoubtedly with us, and if we want to go ahead, we must need take it into account. Every step that we take by ignoring it will be a wrong step. The problem is there; to admit its existence, however, does not mean that it should be used as a weapon against India's national freedom. British Imperialism has always exploited it

to this end. If Britain desires to end her imperialistic methods in India and close that dismal chapter of history, then the first signs of this change must naturally appear in her treatment of the communal problem.

What is the Congress position in regard to this problem ? It has been the claim of the Congress, from its earliest beginnings, that it considers India as a nation and takes every step in the interest of the nation as a whole. This entitles the world to examine this claim strictly and the Congress must establish the truth of its assertion. I wish to examine afresh this question from this point of view.

There can be only three aspects of the communal problem : its existence, its importance, and the method of its solution.

The entire history of the Congress demonstrates that it has always acknowledged the existence of the problem. It has never tried to minimise its importance. In dealing with this problem, it followed a policy which was the most suitable under the circumstances. It is difficult to conceive of a different or better course of action. If, however, a better course could be suggested, the Congress was always, and is today, eager to welcome it.

We could attach no greater importance to it, than to make it the first condition for the attainment of our national goal. The Congress has always held this belief; no one can challenge this fact. It has always held to two basic principles in this connection, and every step was taken deliberately with these in view.

(i) Whatever constitution is adopted for India, there must be the fullest guarantee in it for the rights and interests of minorities.

(ii) The minorities should judge for themselves what safeguards are necessary for the protection of their rights and interests. The majority should not decide this. Therefore

the decision in this respect must depend upon the consent of the minorities and not on a majority vote.

The question of the minorities is not a special Indian problem. It has existed in other parts of the world. I venture to address the world from this platform, and to enquire whether any juster and more equitable course of action can be adopted in this connection, than the one suggested above? Is so, what is it? It there anything lacking in this approach, which necessitates that the Congress be reminded of its duty? The Congress has always been ready to consider any failure in the discharge of its duty. It is prepared today. I have been in the Congress for the last nineteen years. During the whole of this period there is not a single important decision of the Congress in the shaping of which I have not had the honour to participate. I assert that during these last nineteen years, not for a single day did the Congress think of solving this problem in any way other than the way I have stated above. This was not a mere assertion of the Congress, but its determined and decided course of action. Many a time during the last fifteen years, this policy was subjected to the severest tests, but it stood firm as a rock.

The manner in which the Congress has dealt with this problem today in connection with the Constituent Assembly, throws a flood of light on these two principles and clarifies them. The recognised minorities have a right, if they so please, to choose their representatives by their votes. Their representatives will not have to rely upon the question of any other community except their own. So far as the question of the rights and the interests of the minorities is concerned, the decision will not depend upon the majority of the votes in the Constituent Assembly. It will be subject to the consent of the minority. If unanimity is not achieved on any question, then an impartial tribunal, to which the minorities have also consented, will decide the matter. This last proviso is merely in the nature of a provision for a possible contingency, and is most unlikely to be required. If a more practical proposal is made, there can be

no objection to it.

When these principles are accepted and acted upon by the Congress, what is it that obliges British statesmen to remind us so often of the problem of the minorities, and to make the world believe that this stands in the way of Indian freedom? If it is really so, why does not the British Government recognise clearly India's freedom and gives us an opportunity to solve this problem for ever by mutual agreement amongst ourselves?

Dissensions were sown and encouraged amongst us, and yet we are taunted because of them. We are told to put an end to our communal conflicts, but opportunity to do so is denied to us. Such is the position deliberately created to thwart us; such are the chains that bind. But no difficulties or constraints can deter us from taking the right steps with courage and fortitude. Our path is full of obstacles but we are determined to overcome them.

*Muslims of India*

We have considered the problems of the minorities of India. But are the Muslims such a minority as to have the least doubt or fear about their future? A small minority may legitimately have fears and apprehensions, but can the Muslims allow themselves to be disturbed by them? I do not know how many of you are familiar with my writings, twenty-eight years ago, in the "All Hilal." If there are any such here, I would request them to refresh their memories. Even then I gave expression to my conviction, and I repeat this today, that in the texture of Indian politics, nothing is further removed from the truth than to say that Indian Muslims occupy the position of a political minority. It is equally absurd for them to be apprehensive about their rights and interests in a democratic India. This fundamental mistake has opened the door to countless misunderstandings. False arguments were built up on wrong premises. This error, on the one hand, brought confusion into the minds of Musalmans about their own true

position, and, on the other hand, it involved the world in misunderstandings, so that the picture of India could not be seen in right perspective.

If time had permitted, I would have told you in detail, how, during the last sixty years, this artificial and untrue picture of India was made, and whose hands traced it. In effect, this was the result of the same policy of divide and rule which took particular shape in the minds of British officialdom in India after the Congress launched the national movement. The object of this was to prepare the Musalmans for use against the new political awakening. In this plan, prominence was given to two points. First : that India was inhabited by two different communities, the Hindus and the Musalmans, and for this reason no demand could be made in the name of a united nation. Second : that numerically the Musalmans were far less than the Hindus, and because of this, the necessary consequence of the establishment of democratic institutions in India would be to establish the rule of the Hindu majority and to jeopardise the existence of the Muslims. I shall not go into any greater detail now. Should you, however, wish to know the early history of this matter, I would refer you to the time of Lord Dufferin, a former Viceroy of India, and Sir Auckland Colvin, a former Lieutenant Governor of the NWP, now of the United Provinces.

Thus were sown the seeds of disunity by British Imperialism on Indian soil. The plant grew and was nurtured and spread its nettles, and even though fifty years have passed since then, the roots are still there.

Politically speaking, the word minority does not mean just a group that is numerically smaller and therefore entitled to special protection. It means a group that is so small in number and so lacking in other qualities that give strength, that it has no confidence in its own capacity to protect itself from the much larger group that surrounds it. It is not enough that the group should be relatively the smaller, but that it should be absolutely so small as to be incapable of protecting

its interests. Thus this is not merely a question of numbers; other factors count also. If a country has two major groups numbering a million and two millions respectively, it does not necessarily follow that because one is half the other, therefore it must call itself politically a minority and consider itself weak.

If this is the right test, let us apply it to the position of the Muslims in India. You will see at a glance a vast concourse, spreading out all over the country; they stand erect, and to imagine that they exist helplessly as a "minority" is to delude oneself.

The Muslims in India number between eighty and ninety millions. The same type of social or racial divisions, which affect other communities, do not divide them. The powerful bonds of Islamic brotherhood and equality have protected them to a large extent from the weakness that flows from social divisions. It is true that they number only one-fourth of the total population; but the question is not one of population ratio, but of the large numbers and the strength behind them. Can such a vast mass of humanity have any legitimate reason for apprehension that in a free and democratic India, it might be unable to protect its rights and interests ?

These numbers are not confined to any particular area but spread out unevenly over different parts of the country. In four provinces out of eleven in India there is a Muslim majority, the other religious groups being minorities. If British Baluchistan is added, there are five provinces with Muslim majorities. Even if we are compelled at present to consider this question on a basis of religious groupings, the position of the Muslims is not that of a minority only. If they are in a minority in seven provinces, they are in a majority in five. This being so, there is absolutely no reason why they should be oppressed by the feeling of being a minority.

Whatever may be the details of the future constitution of India, we know that it will be an all-India federation which

is, in the fullest sense, democratic, and every unit of which will have autonomy in regard to internal affairs. The federal centre will be concerned only with all-India matters of common concern, such as, foreign relations, defence, customs, etc. Under these circumstances, can anyone who has any conception of the actual working of a democratic constitution, allow himself to be led astray by this false issue of majority and minority. I cannot believe for an instant that there can be any room whatever for these misgivings in the picture of India's future. These apprehensions are arising because, in the words of a British statesman regarding Ireland, we are yet standing on the banks of the river and, though wishing to swim, are unwilling to enter the water. There is only one remedy; we should take the plunge fearlessly. No sooner is this done, we shall realise that all our apprehensions were without foundation.

*A Basic Question for Indian Musalmans*

It is now nearly thirty years since I first attempted to examine this question as an Indian Musalman. The majority of the Muslims then were keeping completely apart from the political struggle and they were influenced by the same mentality of aloofness and antagonism, which prevailed amongst them previously in 1888. This depressing atmosphere did not prevent me from giving my anxious thought to this matter, and I reached quickly a final conclusion, which influenced my belief and action. I saw India, with all her many burdens, marching ahead to her future destiny. We were fellow-passengers in this boat and we could not ignore its swift passage through the waters, and so it became necessary for us to come to a clear and final decision about our plan of action. How were we to do so ? Not merely by skimming the surface of the problem but by going down to its roots, and then to consider our position. I did so and I realised that the solution of the whole problem depended on the answer to one question : Do we, Indian Musalmans, view the free India of the future with suspicion and distrust or with courage and confidence ? If we

view it with fear and suspicion, then undoubtedly we have to follow a different path. No present declaration, no promise for the future, no constitutional safeguards, can be a remedy for our doubts and fears. We are then forced to tolerate the existence of a third power.

This third power is already entrenched here and has no intention of withdrawing and, if we follow this path of fear, we must need look forward to its continuance. But if we are convinced that for us fear and doubt have no place, and that we must view the future with courage and confidence in ourselves, then our course of action becomes absolutely clear. We find ourselves in a new world, which is free from the dark shadows of doubt, vacillation, inaction and apathy, and where the light of faith and determination, action and enthusiasm never fails. The confusions of the times, the ups and downs that come our way, the difficulties that beset our thorny path, cannot change the direction of our steps. It becomes our bounden duty then to march with assured steps to India's national goal.

I arrived at this definite conclusion without the least hesitation, and every fibre of my being revolted against the former alternative. I could not bear the thought of it. I could not conceive it possible for a Musalman to tolerate this, unless he has rooted out the spirit of Islam from every corner of his being.

I started the "Al Hilal" in 1912 and put this conclusion of mine before the Muslims of India. I need not remind you that my cries were not without effect. The period from 1912 to 1918 marked a new phase in the political awakening of the Muslims. Towards the end of 1920, on my release after four years of internment, I found that the political ideology of the Musalmans had broken through its old mould and was taking another shape. Twenty years have gone by and much has happened since then. The tide of events has ever risen higher, and fresh waves of thought have enveloped us. But this fact still remains

unchanged, that the general opinion amongst the Muslims is opposed to going back.

That is certain; they are not prepared to retrace their steps. But again they are full of doubts about their future path. I am not going into the reasons for this; I shall only try to understand the effects. I would remind my co-religionists that today I stand exactly where I stood in 1912 when I addressed them on this issue. I have given thought to all those innumerable occurrences which have happened since then; my eyes have watched them, my mind has pondered over them. These events did not merely pass me by; I was in the midst of them, a participant, and I examined every circumstance with care. I cannot be false to what I have myself seen and observed; I cannot quarrel with my own convictions; I cannot stifle the voice of my conscience. I repeat today what I have said throughout this entire period, that the ninety millions of Muslims of India have no other right course of action than the one to which I invited them in 1912.

Some of my co-religionists, who paid heed to my call in 1912, are in disagreement with me today. I do not wish to find fault with them, but I would make appeal to their sincerity and sense of responsibility. We are dealing with the destinies of peoples and nations. We cannot come to right conclusions if we are swept away by the passions of the moment. We must base our judgements on the solid realities of life. It is true that the sky is overcast today and the outlook is dark. The Muslims have to come into the light of reality. Let them examine every aspect of the matter again today, and they will find no other course of action open to them.

*The Musalmans and a United Nation*

I am a Musalman and am proud of that fact. Islam's splendid traditions of thirteen hundred years are my inheritance. I am unwilling to lose even the smallest part of this inheritance. The teaching and history of Islam, its arts and letters

and civilisation are my wealth and my fortune. It is my duty to protect them.

As a Musalman I have a special interest in Islamic religion and culture and I cannot tolerate any interference with them. But in addition to these sentiments, I have others also which the realities and conditions of my life have forced upon me. The spirit of Islam does not come in the way of these sentiments; it guides and helps me forward. I am proud of being an Indian. I am a dart of the indivisible unity that is Indian nationality. I am indispensable to this noble edifice and without me this splendid structure of India is incomplete. I am an essential element which has gone to build India. I can never surrender this claim.

It was India's historic destiny that many human races and cultures and religions should flow to her, finding a home in her hospitable soil, and that many a caravan should find rest here. Even before the dawn of history, these caravans trekked into India and wave after wave of new-comers followed. This vast and fertile land gave welcome to all and took them to her bosom. One of the last of these caravans, following the footsteps of its predecessors, was that of the followers of Islam. This came here and settled here for good. This led to a meeting of the culture-currents of two different races. Like Ganga and Jumna, they flowed for a while through separate courses, but nature's immutable law brought them together and joined them in a *sangam*. This fusion was a notable event in history. Since then, destiny, in her own hidden way, began to fashion a new India in place of the old. We brought our treasures with us, and India too was full of the riches of her own precious heritage. We gave our wealth to her and she unlocked the doors of her own treasures to us. We gave her, what she needed most, the most precious of gifts from Islam's treasury, the message of democracy and human equality.

Full eleven centuries have passed by since then. Islam has now as great a claim on the soil of India as Hinduism. If Hinduism has been the religion of the people here for several

thousands of years, Islam also has been their religion for a thousand years. Just as a Hindu can say with pride that he is an Indian and follows Hinduism, so also we can say with equal pride that we are Indians and follow Islam. I shall enlarge this orbit still further. The Indian Christian is equally entitled to say with pride that he is an Indian and is following a religion of India, namely Christianity.

Eleven hundred years of common history have enriched India with our common achievements. Our languages, our poetry, our literature, our culture, our art, our dress, our manners and customs, the innumerable happenings of our daily life, everything bears the stamp of our joint endeavour. There is, indeed, no aspect of our life which has escaped this stamp. Our languages were different, but we grew to use a common language; our manners and customs were dissimilar, but they acted and reacted on each other and thus produced a new synthesis. Our old dress may be seen only in ancient pictures of bygone days; no one wears it today. This joint wealth is the heritage of our common nationality and we donot want to leave it and go back to the times when this joint life had not begun. If there are any Hindus amongst us who desire to bring back the Hindu life of a thousand years ago and more, they dream, and such dreams are vain fantasies. So also if there are any Muslims who wish to revive their past civilization and culture, which they brought a thousand years ago from Iran and Central Asia, they dream also and the sooner they wake up the better. These are unnatural fancies which cannot take root in the soil of reality. I am one of those who believe that revival may be a necessity in a religion but in social matters it is a denial of progress.

These thousand years of our joint life has moulded us into a common nationality. This cannot be done artificially. Nature does her fashioning through her hidden processes in the course of centuries. The cast has now been moulded and destiny has set her seal upon it. Whether we like it or not, we have now become an Indian nation, united and indivisible. No fantasy or artificial scheming to separate and divide can break this unity.

We must accept the logic of fact and history and engage ourselves in the fashioning of our future destiny.

*Conclusion*

I shall not take any more of your time. My address must end now. But before I do so, permit me to remind you that our success depends upon three factors: unity, discipline and full confidence in Mahatma Gandhi's leadership.

# 17

# INDIA'S NON-VIOLENT AND CONSTRUCTIVE REVOLUTION*

Friends,

I am grateful for the honour you have conferred on me by electing me to preside over your deliberations this year. I am not so vain as to imagine that I am the fittest person for this signal distinction, nor will I insult you out of mistaken modesty by suggesting that you have elected one who is altogether unworthy of the task you have called upon him to undertake. Our veteran leaders, who have filled this office with distinction in the past, have now other burdens to shoulder and are no longer free exclusively to devote themselves to the service of this organisation.

Maulana Abul Kalam Azad, who piloted our ship through the most perilous voyage it has yet undertaken in its stormy and hazardous career, needed much-deserved respite from the cares of office. I was free to devote myself to your service, and you have chosen me as your first servant. Though I am fully sensible of the great honour, I am even more sensible of the great responsibility it carries. Gandhiji has called it a crown of thorns, and a crown of thorns it is, more so today than ever, when our ship nearing the harbour which has been so heavily mined. But I have no doubt that if we remain true to our mission and if we stand united, no power on earth can prevent us from reaching our goal.

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*Presidential address delivered by Acharya J.B. Kripalani at the Meerut Congress held on 21-24 November, 1946.

*Retrospect*

We are meeting after full six years—years momentous in history of the world, and no less momentous in the history of our own struggle for freedom. During the period, we came twice into open conflict with the British Government. In 1941, we started the Individual Civil Disobedience movement to vindicate the right of every Indian freely to express his opinion about the war in which India was dragged against her will. It succeeded in attaining this limited objective.

The second was the all comprehensive "Quit India" struggle. When the Congress on 1st January, 1930, re-defined its goal as the attainment of Purna Swaraj or complete independence, it was a notice to the foreigner to quit. But it was an indefinite notice ignored by him and not enforced by us. But as conveyed in 1942, it was a peremptory order to quit. Caught in the net of her own imperialist ambitions, Britain had involved herself in a second World War. She was ill-prepared for a major conflict, and soon found herself in a life-and-death struggle. Her reaction to it on different fronts is a lesson in democracy.

While on her own soil where the people were sovereign, she rose heroically to the occasion, despite the fact that the threat there was the most serious here in India where her rule was enforced against the wishes of the people, she lost her nerves and grew panicky and demoralised. Frightened by the threat of Japanese invasion, the authorities drove out people from their homes and fields, destroyed their crops and even deprived them of their means of livelihood. The people so harassed could not even complain. All channels of free expression and association, the platform and the press, were effectively gagged by virtual martial law.

The choice before the country was to suffer all these indignities lying low, or to take up the challenge and offer resistance. The Congress could not possibly ignore this challenge. If it had, it would have acted as the Social Democratic Parties

did in European countries threatened with fascist and nazi aggression. Social Democracy failed ingloriously without striking a blow in the defence of its ideal. Gandhiji, at the time of this supreme crisis, decided to take up the challenge. He invited the Congress to die fighting, if necessary. The Congress and the nation had the wisdom to follow his lead.

Many wise politicians shook their heads in doubt. For an unarmed people to fight Great Britain at a time when all its armed might was mobilised. when the inexhaustible resources of America were at its disposal, appeared sheer folly. But then these men forgot that when the Congress under Gandhiji's lead took to revolutionary politics, it abandoned conventional political wisdom. It dared to risk and achieve. Was the Congress wise when it made the khilafat issue, which it scarcely understood, its own? Was it again wise to resort to Salt Satyagraha to achieve independence? There was apparently no connection between salt and Independence. And what wisdom could there have been in Gandhiji walking with a flock of unarmed followers for 21 days to pick up a pinch of salt on the sea-shore? What political or any other wisdom could there be in Pandit Motilal Nehru manufacturing salt in his study in a laboratory test tube on a spirit lamp from a lamp of clay? What wisdom was there in selecting individual satyagrahis to walk from place to place shouting anti-war slogans till they were arrested? The fact is, the Congress under Gandhiji's lead has never done the conventionally obvious thing, and if it does so before the freedom fight is over and complete independence won, it will have missed its revolutionary role.

After every movement, it has seemed that the Congress lay exhausted and prostrate. The foreign Government thought it crushed for good. But after the struggle this seemingly defeated Congress, when occasion arose, showed itself more alive than ever and ready to exercise the added strength it had gathered from its sufferings and sacrifices.

The August 1942 struggle was over. The British had not disappeard. They were there. The nation appeared to lie pro-

strate. In those dark days many a false prophet taunted, "Did we not say so?" But as soon as the jail gates were opened on Gandhiji and the members of the Working Committee, there was no sign of either depression or frustration. What we saw was a new and surging life everywhere.

The leaders' march to Simla to negotiate with a Government that had boasted that the Congress was crushed, was a triumphant march, and not the march of the defeated and the humiliated. Then came the elections, central and provincial. Nobody had any doubt about the results. Those who had seen no wisdom in Congress politics lost no time in coming back to the fold and offered themselves for Assembly seats and positions of power which they thought might soon be available. They did not want to be left behind. They hurried back to the fold and were accepted too!

The elections proved that the nation's faith in the Congress had increased. Those who had fought and suffered triumphed. They had their reward. But many of those who had striven most and suffered most were no more with us. They paid for their patriotism with their precious lives. Today when we are assembled to take stock of the past and shape policies for the future, let us not forget to pay to the memory of these brave soldiers in the national struggle. whether known or unknown, our humble tribute of honour and respect. They suffered that others may enjoy. They died that others may live.

### *The Simla Conference and After*

The members of the Working Committee were released in June 1945 in pursuance of a change in the policy of the British Government. The Viceroy called a Conference at Simla of representatives of the main political parties to discuss the formation of a National Government at the centre. The Conference failed because it was not allowed to function. The Viceroy chose to yield to the fanciful demands of the Muslim League even though he did not think them fair and reasonable. The League leader would not allow any non-League Muslim,

even a non-Congress Muslim, a nominee of the Viceroy, to be included in the cabinet. It was difficult to understand why the Conference was ever called at such expense and trouble. There was disappointment and anger in the country. Many asked, how could those pledged to the 'Quit India' resolution consent to a conference called on the basis of the present reactionary constitution. But a satyagrahi is slow to fight and quick to come to terms when he sees an opportunity for a peaceful and honourable solution If his fundamentals are conceded, he is willing to sit at the table with his opponents to discuss matters.

Moreover, at this time the food problem was becoming acute and it was expected that a National Government could tackle it much better than the bureaucracy that had so woefully bungled in the past. The country also needed a period of quiet and rest to take stock of the national situation.

The Simla Conference failed, but the British Government announced that soon they would devise some other workable plan for the solution of the Indian problem. The British bureaucracy is a slow-moving machine. Moreover, the British always work for time. A favourable turn in the home or international situation may enable them to avoid inconvenient commitments. However, there was no favourable turn. The general elections in England went aganist the reactionary Tories. Labour came in power with an overwhelming majority. The International situation was charged with dangerous possibilities. India was the weakest spot in the Empire. A solution was called for. A roving Parliamentary Committee came for the purpose of study and inquiry. On its heels came the Cabinet Mission headed by the Secretary of State for India, Lord Pethick-Lawrence. After a series of discussions with leaders of the main political parties, the Cabinet Mission announced their plan, in their statement of May 16th, for the convening of a Constituent Assembly to frame a Constitution of a free and united India and for the establishment of an Interim Government at the centre.

The history of the weary negotiations that went on for nearly three months in Delhi and Simla is too well known for me to repeat here. The net result was that though the plan for the Constituent Assembly was accepted by both Congress and League no Interim Government could be formed at the centre. The League leaders were so disappointed at the refusal of the Viceroy to invite them to form the Government without the Congress, that they afterwards announced that the Muslim League would not participate even in the Constituent Assembly. The Viceroy, therefore, in consultation with the British Cabinet, decided to invite the Congress as the majority party to form the Interim Government. The task of bringing the Muslim League in was wisely left to the Congress. The Congress accepted the offer and the President, Pandit Jawaharlal Nehru, contacted Mr. Jinnah. But as usual nothing could be gained from that quarter. The Congress was therefore constrained to accept office in September, 1946.

Soon the Viceroy began talks with the League leaders on his own initiative, without the consent of his colleagues in the Cabinet. Such a procedure was not contemplated. The offer made to the Congress was unconditional. Nevertheless, the Congress, always willing and anxious for unity, did not object. Through the Viceroy the Congress and the League resumed negotiations. The result again was failure. However, in the end League accepted the Viceroy's invitation to nominate five out of fourteen members in the Interim Government. Thus the League representatives are today in the National Government working as colleagues with our own representatives. It is hoped that facing the same difficulties and solving the same problems, a workable unity will be evolved that will carry us over these troublous times.

*Constructive Revolution*

I believe that if the Congress had not taken up the challenge of British imperialism in August 1942, we would not be occupying the position we do today. Nor indeed would the Muslim League and other minorities, though some of them

may not like to admit the fact. True we have not yet achieved our goal of Purna Swaraj. But our representatives and leaders have broken into the citadel of power. This is not the end of foreign domination, but it is surely the beginning of the end, provided we know how to utilise our opportunities. However, even when we have achieved our goal of complete independence we must not think that our task is done. National liberty is precious indeed. It is the very breath of a nation's life. But however important, it is a negative achievement—a removal of external shackles. It is merely the hindrance of a hindrance. It is quite possible that when an individual's shackles are removed, he may use his new-found freedom to his own injury. If we are wise we will not rest content merely with the removal of external restraints, but will so order our affairs that the freedom we gain is translated into concrete good to our people. This means that our revolutionary zeal, even while it destroys the old order must constantly achieve creative expression in constructive activity.

This constructive effort should be nothing new for us. Our revolutionary movement, based as it is on non-violence, is unique in history. Usually political revolutions have aimed at the destruction of the old order. Their strategy has been designed to capture power. All constructive effort to remould the nation's life has been done after the old order was completely destroyed and power captured. This process has inevitably led not to one but a series of revolutions before things could settle down and constructive effort begun. Not unoften, the process has led to civil war and ultimately to dictatorship. Both civil war and dictatorship have a tendency to defeat the aims of a revolution. It was so in the French and Russian revolutions.

The Congress under Gandhiji's lead has avoided over-emphasis on mere destruction or on the capture of power. It has, on the other hand, laid great emphasis on constructive programme. Its destructive and constructive programmes have been worked side by side for the last 26 years. Indeed, for Gandhiji the only effective preparation for civil disobedience is the intensive carrying out of the constructive pro-

gramme. Now that Congressmen are at the helm of affairs in many provinces, and even at the centre we have some sort of a national government, it should not be difficult to intensify our effort and realise the full possibilities of the constructive programme as enunciated by Gandhiji and accepted by the Congress.

### *Democracy and Non-Violence*

The content of our Swaraj has been getting clearer and clearer for us as our national struggle has progressed. Long ago we decided against the tactics of mere destruction and capture of power. We therefore discarded the use of the pistol and the bomb. We decided that our revolution must be an open conspiracy and it must progressively bring in the masses. It must therefore necessarily be non-secretive and non-violent. A revolution brought about by the masses and non-violently implies democracy. Our Congress organisation therefore has a democratic constitution. As a matter of fact, if democracy is to be real and effective, and not merely formal and institutional, it must be based on non-violence. And non-violence, if it is not a mere form or lip-expression, must necessarily lead to democracy. Non-violence and dictatorship are contradictory. We cannot today change this democratic character of the Congress, nor will it be desirable to do so. Let it therefore be clear that we are pledged to political democracy and our Swaraj shall be democratic. It shall not be the rule of an individual however great or a family however glorious. Nor shall it be the Swaraj under one particular caste, creed or class. It shall be the rule of the people, by the people, for the people.

We have seen that political democracy the world over tends to become a mere form, if it is not broadbased on some sort of economic equality. The democratic note ceases to have much meaning in a society where there are great inequalities of wealth. We know that the smaller countries of Europe, like Norway, Sweden and Denmark, enjoy a more real democracy than the big capitalist countries, for the simple reason that

their democracy rests on a larger measure of economic equality.

But economic equality may be of the communist order based on centralised big industry, or it may be democratic and based upon a fair degree of decentralisation. I believe that economic equality in a society, whose economic system rests exclusively on big industry, inevitably leads to the concentration of power in the hands of a few. It leads to bureaucratic and dictatorial exercise of power. The rulers in that case not only regulate the political but also the economic life of the people. If political power has a tendency to corrupt the holders of power, this tendency is doubly increased by the combination of political and economic power in the same hands. Capitalism killed democracy because the capitalist class weilded, directly or indirectly, political power. Communism puts in the hands of the political dictator and bureaucrat the entire control of economic power. Herein lies as great a danger to democracy as under capitalism.

### *Decentralisation of Industry*

Therefore, if democracy is to survive, it must discover a means of avoiding concentration of economic power in the hands of the ruler or rulers, however selected or elected. Even a political democracy can be a dictatorship if there are no spheres of free activity left to the individual. The historical role of the Congress in the economic field has been its bold advocacy of decentralised industry. Ever since the Bengal partition movement, our political thinkers have stressed the importance of reviving village and cottage industry. After Gandhiji's advent in Indian politics, this advocacy has gained emphasis and has been translated into a concrete programme of national reconstruction. We have therefore at this stage clearly to define the content of our economic Swaraj which must be in the direction of as much decentralisation as is possible under the present circumstances. Nor may we forget that decentralisation alone will help effectively to solve the problem of chronic unemployment of the vast majority of our agricultural

population.

The Congress appointed in 1938 a Planning Committee under the Chairmanship of Pandit Jawaharlal Nehru. This Committee has been at work for several years. It has collected facts and figures. It is time that its labours are utilised. But these cannot be utilised unless the Congress makes up its mind as to what industries are to be centralised and what decentralised. Unless that is done each province will go its own way. I am afraid that already there is a kind of competition even among the Congress provinces in the field of big industry. Each province wants to introduce as many mills and factories as possible. We had thought that the cloth industry was the one most eminently suited for decentralisation. But even here each provincial government is vying with the other to set up new cloth mills. Some people believe thal in the present state of scarcity of cloth all means of increased production must be utilised. They however fail to see that this necessarily creates new capitalist vested interests. As a khadi worker I believe that with less capital and less effort and in a shorter time more can be accomplished by a systematic encouragement of the charkha and the handloom than by opening new mills. I have taken the example of the cloth industry. But it is time that we took counsel among ourselves and decided what industries might best be worked on centralised and what on decentralised basis.

When I talk of decentralised industry, I do not necessarily mean the application of mere hand power. Electric power may well be utilised for increasing the scope and efficiency of the worker in his own home and village. That this decentralised industry will eliminate periodical waste of national wealth consequent on industrial conflicts, strikes and lock-outs, is too obvious to be mentioned. To the extent the conflicts are avoided, there is good neighbourliness among people. This decentralised industry may be organised on a cooperative basis. There should be production and distribution cooperatives. If production cooperatives are not immediately possible, distribution cooperatives can certainly be started by public bodies

and the provicial governments. The village worker does not find so much difficulty in producing goods as in marketing them.

*Agriculture and our Food Problem*

Our agriculture too must largely follow the pattern of decentralised industry. It must chiefly consist of peasant proprietorships, with a provision that no plot shall be sub-divided, whether on account of inheritance, debt or any other cause, beyond what would maintain a village family. Decentralised industry and agriculture must supplement each other. The latter too should be managed, as far as possible, on cooperative basis, both for farming and marketing purposes.

The Congress is pledged to the elimination of the middleman between the tenant and the state. Recently in response to a non-official resolution moved in the AICC, it was decided by the Working Committee that the provincial governments be asked to send to the AICC office their schemes for the abolition of the Zamindari system. The material received should be systematised and placed before the Working Committee for consideration. I hope the direction of the Working Committee in this matter will be speedily given effect to and a body of experts appointed to prepare a comprehensive plan for the elimination of the middleman in our agricultural economy. This body of experts may also suggest plans which would meet, with suitable modifications, the different requirements of the various provinces. In U.P. an official bill will soon be introduced in the legislature for the abolition of the Zamindari system. A committee has already been appointed to draft a bill on the lines of the resolution which has been passed by the U.P. Legislature. It is hoped that the bill will have a smooth passage. The zamindars should have no objection as the bill provides for adequate compensation.

The food problem which assumed dangerous proportions during the war continues to be our great concern even today. We are still dependent on what foreign countries may choose

to dole out to us. This dependence on the foreigner must be eliminated where most primary needs of existence are concerned. With appropriate agricultural reform it should not be difficult to feed the present population of India and any immediate increase. Our agricultural production is extremely low. In Japan they raise per acre 3909 lbs. of rice while India gets only 939 lbs; of wheat Japan gets 2010 lbs. per acre as against 774 in our country. Here is a great deal of leeway to make by well directed agricultural research. There is enough waste land that can be brought under cultivation by well and canal irrigation and proper manures. There should be a judicious readjustment between food and money crops and as far as possible, the profits to the cultivator from the two sources should be equalised. If that is not done it will not do merely to advise, induce or oblige the cultivator to abandon the better paid for the worse paid crops. The best plan to avoid famine and the threat of famine in the future is to divide the country in such agricultural regions or units, big or small, as would be self-sufficient so far as the essentials of human nutrition are concerned. Care must be taken that these regions produce what may constitute a scientifically balanced diet. The health of our agricultural population, the backbone of our nation, cannot be improved unless the peasant has two square meals a day consisting of food which is properly adjusted to form a scientifically balanced diet. Proper food is the first condition of rural health and hygiene. In the matter of balanced diet more research is needed. But enough has been done, thanks to Gandhiji's efforts, to make a useful beginning.

At the centre we have today our esteemed leader Babu Rajendra Prasad, a careful and conscientious minister in charge of the Department of Food, and I have no doubt that he will not only enable us to tide over our present difficulties, but ensure such arrangements for the future as would never oblige us to go abegging for our food at foreign doors.

If democracy in the modern world is not possible without a considerable economic levelling up and down, it is no less inconsistent with international rivalries resulting in periodic

global conflicts. In war there is always a concentration of power. War increases the power of political bosses and bureaucrats. Civil liberties are curtailed. The rights of free association and free expression of opinion, whether on the platform or through the press and the radio, are greatly diminished. Modern wars tend to be global. Few countries can keep their neutrality. Even in netural countries the fear of war diminishes civil liberties and increases state control. If, therefore, democracy is to function properly and fully, international strife and war must yield place to mutual goodwill and cooperation. However, this is a problem which cannot be solved by the attitude of a single nation towards war. As long as there are empires, whether fascist or democratic or socialist, war must remain the only means of settling international rivalries I have said socialist empires. It will be objected that socialism and imperialism are a contradiction in terms. But so also are democracy and imperialism. And yet we have imperialist democracies. Like democracy, socialism can in practice be consistent with political and economic imperialism. Bolshevik Russia has yet to convince the world that it has abandoned the Czarist policy of nibbling at its neighbours. The Socialist Government of England shows no convincing signs of relinquishing its hold upon its imperial possessions. What steps have been taken in India are halting and tardy and give rise to a suspicion that they are more due to the international situation than to any genuine desire to shed imperialism.

To sum up then. the historical evolution of our freedom movement, pledged as it is to non-violence and the good of the masses, demands a social order free from exploitation, functioning democratically and turned to international cooperation and peace. Such a society will be in consonance with the highest ideals of the age and time we live in. The Congress under Gandhiji's lead has been working for these objects. Now it must define the objects more clearly and work more consciously towards their realisation and utilise its newly acquired power towards that end.

*National Unity*

Today we have some kind of a national government at the centre and provinces have their popularly elected governments. In a short time we shall be assembling to form a new constitution for India. Freedom, if not achieved, is surely in sight. The British can no longer deny it to us, whatever their intentions. If today we miss our goal, the fault shall be ours. It will be due to the mistakes of commission and omission we make at this critical juncture. The greatest danger to a patient is not when disease is active but when he is convalescing. The doctor's vigilance is relaxed and he has to take care of himself. We are in that critical condition; and the worst of it is that our enemies are clever and vigilant. The greatest strength of British imperialism in India is that it has been possible for it to carry out its nefarious designs through the instrumentality of the Indians themselves. India was conquered by Indian money, Indian resources, Indian soldiers and often with Indian brains. Our tragedy has been our divisions and differences and a tendency to subordinate larger national interests to those of caste, creed and party. We give to the smaller units the loyalty that is due to the whole. Herein lies our greatest weakness.

Of all the political virtues, unity is the greatest and the most important, provided this unity is not superimposed by force but is natural and spontaneous In this the British excel not only the Indians but also other European nations. At every critical moment of their history, the British have ignored religious, party and class differences. Even as early as the 16th century when sectarian differences led to religious wars and the Catholic hated the Protestant more heartily than either of them hated the non-Christian, as soon as the English shores were threatened by the Spanish Armada sent by a Catholic Emperor, English catholics, even though persecuted, stood shoulder to shoulder with their Protestant countrymen to repel the foreign invasion. This has continued upto the present time. In the last war, the Socialists had no hesitation to work under reactionary, snobbish, caste-ridden Churchill, when the national emergency made it necessary for them to do so. But in India small diffe-

rences produce unbridgeable gulfs. Common points are forgotten, petty disagreements over-emphasised. We must, if we have to live and progress as a nation, check this inherent centrifugal tendency.

At present the greatest danger to our freedom are the communal differences, specially between the two major communities, the Hindus and Muslims. The foreigner has taken fullest advantage of these in the past. Today he finds it his last trump-card. He is playing it cleverly and subtly. It is unhistorical, unscientific, unethnic and also unnatural to think that the Hindus and the Muslims are two nations. Their interests, social, political and economic, are identical. Their common points are innumerable. Their differences can be easily counted and are only skin deep. The foreigner cannot distinguish the Hindu from the Muslim except by the accident of dress, and that too only if he is familiar wsth sartorial differences which change from province to province. India, outside India, is considered one whole. No conqueror ever thought himself safe until he had brought the whole of it under his sways. No native ruler ever thought his kingdom complete and rounded off until he had established his hegemony over the whole of this ancient land. Only those periods of Indian history have been most productive when the whole of India was united under one Government, whether it was under the ancient Maurya and the Gupta dynasties or again under the Moghuls.

Even though the present alien rule has dwarfed Indian genius by an unnatural system of foreign education and the denial of all opportunities of initiative, yet, by the mere fact of uniting India under one common misrule, it has released the creative energy of the nation in various fields of thought and action. There has been an Indian renaissance. To think of India then as divided into two nations, Hindu and Muslim, is retrograde and reactionary. It is dividing what nature and history have united. I have my own grand-nephews and nieces in Sind who are Muslims. They love me as well as do my Hindu grand-children. I cannot imagine that I as a Hindu am an Indian and they as Muslims belong to a different nationality. One of them,

a pretty little bride, wrote to me recently thus: "We offer you our sincerest congratulations on your attaining *the highest honour which any Indian can aspire to.* May you long adorn the Congress *Gaddi* with distinction and service. We are, of course, staunch Muslim Leaguers, but we pray that here should be a rapprochement between the Congress and the League." (Italics mine).

In this connection I would like to repeat to Indian Muslims the words of my predecessor in office. In his presidential address the Maulana Saheb said: "Do we, Indian Muslims, view the free India of the future with suspicion and mistrust or with courage and confidence? ........No present declaration for the future, constitutional safeguards can be a remedy for our doubts and fears. We are then forced to tolerate the presence of a third power. This third power is already entrenched here and has no intention of withdrawing. and if we follow the path of fear and suspicion, we must needs look forward to its continuance. But if we are convinced that for us fear and doubt have no place, and that we must view the future with courage and confidence, then our course of action becomes quite clear. We find ourselves in a new world which is free from the dark shadows of doubt and vacillation, inaction and apathy, and where the light of faith and determination, action and enthusiasm never fails." To this as a student of history I would only add that it was not want of faitn and determination that made Islam great.

Today in India the Muslim League works in fear and suspicion and infects the whole Muslim community with it. When Muslims came into India from beyond the mountains, they came only in their thousands. They were not afraid of the teeming millions of Hindus. They came in the might of their faith and enthusiasm. Today they form a fourth of the population. It is wrong to say that they are a minority. As the Maulana Saheb rightly put it, "In the texture of Indian politics nothing is further removed from the truth than that the Indian Muslims occupy the position of a political minority. Politically speaking, the word minority does not mean a group that is numerically

smaller and therefore entitled to special protection. It means a group that is so small in numbers and so lacking in other qualities that give strength, that it has no confidence in its own capacity to protect itself from the much larger group that surrounds it. Thus this is not a question merely of numbers, other factors also count...In four out of eleven provinces, there is a Muslim majority. If British Baluchistan is added, there are five provinces with Muslim majorities. Even if we are compelled at present to consider the question on the basis of religious grouping, the position of the Muslim is not that of a minority only. If they are a minority in seven provinces, they are in a majority in five. This being so, there is no reason why they should be oppressed by the feeling of being a minority."

I therefore hold that a Hindu who believes a Muslim to be an alien not only does wrong to his religion but is an enemy of the freedom and progress of India. On the other hand, if a Muslim who is flesh of our flesh and bone of our bone, believes and acts as if he were an alien on Indian soil, he does equal harm to his community and to the nation. We have almost everything in common except religion which should be a personal matter. To fight on questions of faith is the way of a barbarian. I know the present fight between Hindus and Muslims is not a religious fight. It is purely a communal conflict. It has nothing to do with political or economic issues that concern the masses of both the communities. The masses act as tools in the hands of the clever, and often, unscrupulous politicians But whatever the causes, we must recognise the fact of the existing tension and bitterness, and steer our course so as to avoid any major conflict.

I have already in my public statements, made after my election, said that the Congress must yield to the demands of the minorities, Muslim or any other, but not at the expense of the good of the nation. Such yielding in the past has largely been responsible for our present troubles. Also when facts are conflicting and confusing. it is best to fall back upon basic moral principles. Some compromise on principles may be made only when there is no doubt about facts. The basic principles involv-

ed in the communal conflict are those of nationalism and democracy. Nationalism historically is a higher principle than communalism and democracy higher than sectional domination. In whatever, therefore, we do we must not allow the communal and undemocratic principles to triumph over nationalism and democracy.

Viewed thus, I have no doubt that the Congress was wrong in accepting separate electorates which are anti-national and undemocratic. I believe much of our present trouble could have been avoided had we boldly refused to accept the undemocratic and anti-national principle of separate electorates. The communal conflict has today assumed not only a serious but a vicious aspect. It is quite possible that to avoid immediate trouble we may accept principles that cut at the root of nationality and democracy. If we do so, we shall not only be betraying the nation, but ultimately the Muslim and the other communities. I hope our elders will guard themselves and the country against being coerced or cajoled into making any anti-national and undemocratic compromises in the future.

I was recently in East Bengal and Bihar. It would be criminal for me to mince matters. It would be a dereliction of public duty. Those who were responsible for the tragedy in East Bengal had given the masses an idea that Pakistan could be established by force—*Larke Lenge Pakistan*, *Marke Lenge Pakistan*! If once the idea enters into the mass mind that the communal problem can be solved by force, it will be an evil day, not only for Indian but for all the communities concerned. Non-violence is a new creed. It may not be over-burdened. It can, in the present circumstances, succeed if there is some kind of restraint observed by the two parties in the conflict. And if one party uses extraordinary and unconventional weapons, the other party too, in sheer self- defence, will be obliged to use the same weapons.

Those who preached mass conversions, forcible marriages, etc., were playing with fire. I know as a matter of fact that Muslim priests officiated at this diabolical use of violence and

coercion. I would repeat here what I said in one of my statements on East Bengal after my return from there.

"Some people seem to think that loss of life is the greatest calamity that can befall a human being. But the greatest calamity for honourable people is to be obliged to forswear their faith at the point of the pistol. If all the people forcibly converted and all the women abducted and forcibly married had been done to death, in my opinion that would have been a lesser tragedy than their yielding to force." I am an absolute believer in non-violence. But if the strain that was put on people in East Bengal had been put upon me, I do not know what my reflex action would have been. If sensitive and educated individuals are liable, under extreme provocation. to yield to undesirable reflexes, much more so are groups. Whoever therefore preaches, sanctions, encourages, or uses violence, specially of the sort that was practised in East Bengal, be he an individual or be it a group, party or community, does the greatest disservice to the nation. He works against. humanity. If we must run at each other's throat let us do so cleanly and bravely, as befits men, and not in gruesome cowardly ways which degrade us to the level of beasts.

If I must warn communities against the use of initial violence to settle their differences, I must warn them no less against the use of violence by way of retaliation and reprisal as was the case in Bihar. Two evils do not cancel each other. And these reprisals and retaliations fall on innocent victims, even if the original attack was against those who really had done wrong and deserved punishment. But as a matter of fact in communal violence, whether provocative or retaliatory, only the poor and the helpless suffer. The authors of the trouble always manage to go scot free. In civil strife, as in war between nations, the unrestrained and diabolical use of violence will succeed only in producing the equivalent of the atom bomb which will annihilate both Hindus and Muslims.

The Central Government failing to interfere in Bengal, the provinces became virtually independent. The neighbouring

province of Bihar under the circumstances was entitled to protest against what happened in the Biharis in Calcutta. The Bihar Government would also have been entitled to warn the Bengal Government against the probable repercussions of what was being perpetrated against the Hindus in East Bengal with what looked almost like the connivance of the Government. The Bihar Government should have made it plain to Bengal that the Hindus in Bihar were profoundly agitated over the fate of their coreligionists in Bengal and that with the best will in the world the Government might not be able to control the situation if the feelings of the people were strained beyond a certain pitch. The Hindus of Bihar should have agitated and insisted upon their Government to take up that position. That would have been the proper and the constitutional way. If the Centre fails to make itself responsible for internal security in the provinces, I am clearly of opinion that popular governments in the provinces must take up such matters with each other in future. If they do so, they are likely to arrive at a better arrangement than if the communities take the law into their own hands and indulge in reprisals.

Violence is ugly and futile in any case, but the unorganised hysteric violence of the mob is worse than futile. It is fatal to the very cause on whose behalf it is invoked. I am afraid that if the present orgies of provocation and retaliation continue, the Muslim League leadership will soon be unable to control its followers, even if it should decide to. And so might the Congress, though the Congress leadership has done its best to save the people from this hysteria of violence. If that happens then Indians will be divided into two armed camps of communal fanatics and the Britisher will stand guard over them both with his bayonet. The day of India's freedom will be indefinitely postponed.

If we are to be worthy of freedom we must learn to live together and respect each other's sentiments. Hindu and Muslim minorities are scattered all over this country. Not amount of police or military protection can permanently and effectively

protect them from the wrath of the majorty communities if the latter lose all sense of moral obligation towards them. If no Hindu's life, property and honour are safe in a Muslim-majority area and no Muslim's in a Hindu-majority area, then civili sed life becomes an impossibility. Even Mr. Jinnah's dream of Pakistan, though it has made the problem what it is, holds out no prospect of its solution, for it leaves the minorities where they are. Did his scheme envisage a total and wholesale transfer of populations and the concentration of all the Muslims in India in one compact territory, so that no Hindu, Sikh Christian or Parsi is left in the Muslim State and no Muslim left anywhere else in India, the scheme might at least have the merit of being a logical solution of the problem, however costly, tragic and inhuman it might be to carry it out.

Even if the Muslims must have a theocratic state of their own, they cannot be allowed to impose in on Hindu, Sikh and other minorities in their territory. These minorities have at least as much right of self-determination as the Muslims claim for themselves in India as a whole. Nor can the rest of India be reasonably expected to harbour large sections of population in its midst who openly repudiate their citizenship in that state. If the Muslim League claims Pakistan on religious and communal grounds, let it face all its implications and not to eat the cake and yet have it. This is terrible solution, as detrimental in the long run to the Muslim interests as to the Hindu, but it is a logical consequence of the communalism with which the League is infecting its followers and which is making a common civilized life difficult. But in no case must we allow the poison of communal strife further to disintegrate our national and corporate life. In no case must we allow overselves to be bullied and black-mailed by a section into sacrificing the just rights of the others.

I hope however that the leaders of the fanatics among both the communities will have more sense and humanity than to take recourse to desperate and medieval remedies. The problem is easy of solution if only we accept the obvious fact that if there are two nations in India, they are the exploited and the

exploiting of both or all the communities. The Hindus and Muslims have a common enemy, and that is poverty, disease, and ignorance. If only we realize what we really are, there need be no quarrel between us.

I have laboured this point at length, because this is the greatest stumbling block in our path to freedom and progress. Even at this late hour I hope, now what the Muslim League is in the Central Government and shares responsibility with the Congress, the orgies that were enacted in Calcutta, East Bengal, Bihar and to a lesser degree elsewhere, will be nightmares of the past. We shall write anew on a clean slate of brotherly love and cooperation as children of a common motherland.

*Indian States*

If the Hindu-Muslim question gives us a headache, the Indian States' problem is no less distressing. Like the communal the State question is easy of solution, if we think in terms of India and not in terms of any section or community. The princes must realize that India cannot be half free and half slave, and that in a free India they cannot exist and carry on as they do now. Their power today is buttressed by the foreigner who misuses them for his imperial purposes. Where his purpose is not served, he treats them with scant courtesy. The Indian princes have to adjust their conscience to the dictates of the political department. Those who might be trustees of their people's welfare have become puppets of a foreign power. Under such circumstances, their high-sounding titles, their paraphernalia of ancient pomp and pageantry appear ugly, empty and ridiculous. Their lavish personal and family expenditure on their fanciful and very often harmful wants impoverishes the already starving masses who are denied even the rudimentary rights of citizenship.

The States people have to tolerate a double-distilled slavery. The masters who harass them are themselves slaves. But these masters seem to like their chains because it enables them

to live in ignoble ease and luxury. If they only knew their real self-interest, they would, instead of relying upon the precarious help of a swiftly fading imperialism, put their trust in the affections of a free, happy and prosperous people. The States people have yet some affection for the person of their rulers. Political India has no objection to their existence if only they would live and act as democratic, constitutional monarchs. In this they might learn a lesson from their nominal over-lord, the King of England. He is loved and respected because he has ceased to rule. Because he functions in accordance with the will of his people, he, as king, can do no wrong. His royalty merely symbolises the unity and greatness of his people who are free to manage their own affairs democratically. He is thus assigned a noble rule in the economy of his nation. The last king, now the Duke of Windsor, would not cross the will of the chosen representatives of his people even in such a personal matter as his marriage. Let the Indian princes act in the same spirit, and the princely order will yet have a long lease of life of peaceful and patriotic service.

If all this is true, and true it is, then the Kashmere Durbar was not well advised in its recent actions. It has done distinct disservice to the princely order. In slighting Jawaharlal Nehru, a prince among patriots, the Kashmere Dewan slighted the whole Indian nation. It is no less deplorable that Hyderabad which claims to be the premier state in India should deny its subjects the elementary rights of citizenship which even British imperialism is obliged to concede. What the people of India, which includes the Indian States, want from the princes are not platitudes when they meet in Durbars and the Princes' Chamber, but action toward the emancipation of their people on whom their arbitrary rule weighs heavy. Let their power and glory come from the happiness of a prosperous and free people. That should be for them an aim worth living for and not the present life of ignoble base and comfort, and their role of imperial servitude. In this they might well emulate the example of the ruler of Aundh who, by conceding their just rights, has endeared himself to his people.

*The Canker of Untouchability*

No less menacing to the freedom and progress of our nation is the canker of untouchability. It mainly affects the Hindu community. But it is such an anachronism and so inhuman that its continuance is bound to poison the whole of our national life. Our demand for freedom and equality loses much of its point when we tolerate within our own society the most galling and the most humiliating form of inequality. That in European lands and white colonies we should be considered and treated as untouchable is, I believe, Nature's revenge and moral retribution for breaking one of her fundamental laws, that of human equalitv. I believe that the reformer has done enough to rouse the conscience of the Hindu community against this evil to entitle the law to set up its machinery for its removal. The provincial governments must penalise all public exhibitions of untouchability. No public place, be it a road, club, a place of recreation or instruction, or a place of eating, should be closed to our Harijan brothers. Also, I think, provincial government can and should legislate that wherever the majority of worshippers in a particular temple desire the same to be opened to the Harijans, it shall be so opened. In every other way the Harijans, should be encouraged to take their rightful place of equality with the so-called caste Hindus. There should be perfect equality. Personally I believe in a classless and casteless society brought about by non-violent means, for violence is bound to create new castes and classes. They originated with violence, physical and psychological. Equality and democracy are synonymous with non-violence.

*Power Politics*

There are yet other pitfalls, which we must guard against. In our struggle our competition so far has been in the field of service, suffering and sacrifice. Now that positions of power and patronage are available to us, let us not kick the ladder by which we have ascended to these positions. In a country where freedom is long established, power politics may not so soon and so easily degrade the nation as to bring it to the brink of ruin.

But in a country whose political independence has not yet been fully achieved but rather hangs in the balance, any false step might be disastrous. Power politics at this stage of our national life is sure to spell our ruin. Moreover, as I have said before, there is much uphill constructive work yet to be done, which can most effectively be done if we believe ourselves to be and act as humble servants of the toiling and striving millions of India. Let every position of trust, power and responsibility be for the sake of service and not a matter of pelf, patronage, pride or self-aggrandisement. And when we are in high positions, let us not think in terms of creed, caste or family, but in terms of work and ability. As public servants we have neither friends nor opponents. Provided there is merit and loyal service to the country, and devotion to duty, old prejudices and enmities should not count. Above all, in every public position we must be most scrupulously honest and above board.

*Constituent Assembly*

We shall soon be meeting in the Constituent Assembly to frame a constitution of free India. It will be a democratic constituent and will be federal in character. We may not however forget that, in the administratives as in the economic field, centralisation, more than is absolutely necessary, is inimical to liberty. It is good, therefore, that the provinces in free India shall have the maximum autonomy consistent with external and internal security. But some of our provinces are each as big as a country in Europe. There may be over-centralisation in the administration of the provinces, which too we must avoid.

Long ago, how long history does not record, the Indian genius worked out the village and local panchayat. It remained our fort through many a turbulent period. Kings and dynasties fought and failed, empires rose, ruled, misruled and disappeared, but the villager's life maintained its even tenor, away from the din of battle and the rush of rising and falling empires. He had a village-state which protected his life and

property and made civilized life possible. Progressively, we must delegate to the village panchayats judicial powers in petty criminal and civil cases; the local police too might be put under the charge of the panchayat. If we build upon this village unit of self-government, rehabilitate it to the altered conditions of today, we shall be working in consonance with the genius of our people. This is the natural and easy way. Merely to copy the west should not be our object. We may also not forget that the west has made, more specially in the big countries, democracy complex and expensive. West has evolved the official red-tape which makes the democratic machinery cumbrous and slow-moving. All these drawbacks we must try to avoid in the new constitution that we may devise.

Our judicial system must be simple and effective. The law's delay and expense and complicity must be avoided. Also there must be ample provision made for the enjoyment of civil liberties. They must be protected even from the arbitrary action of a democratic and representative government. We may not forget that power corrupts even the patriot in office. Ample provision, consistent with the larger interests of the country and the masses, must be made for the protection of minorities. Their language and culture must have free scope for development. There must be absolute tolerance in matters of faith and religion. Every individual and every group must be free to propagate his and its ideas, consistently with the maintenance of peace and public morality.

### *India and the World*

The Congress has for many years taken keen interest in international happenings. These affect us and no country can for long remain indifferent to what is happening elsewhere in the world. With our national struggle based on non-violence, we have naturally always stood for the international disarmament, peace, cooperation and open diplomacy. Through our sufferings we know what aggression means to a subject people. The hard cruel strokes of foreign domination have taught us to value international peace and goodwill. These lessons learnt

in adversity, we hope well, shall not forget in happier and more prosperous times when we have achieved full freedom.

We believe in a new world order based upon goodwill and cooperation. We believe that these objects can be achieved by an international organisation consisting of free and equal nations. We believe that so long as imperialism exists, whatever international organ is devised for peace, will inevitably be turned into an instrument of ambition by powerful and unscrupulous nations. It will not be based upon equality, justice and fair play, but upon the combined might of a few dominant nations. There will always be the Big Three, Four or Five. That way lies danger. International thieves and robbers, even as ordinary thieves and robbers, sooner or later, and sooner than later, fall out among themselves, and when they do they shake the very foundations of the earth, as they have done twice within the last thirty years. As long as there are dependent nations and peoples, so long will there be conflict and war.

Further, we believe that the smooth and successful working of an international organisation, even as of democracy, is not merely a question of external and institutional arrangements. Law and constitution, international courts and armies are good as far as they go, but just as human passions have to be subdued by an inner self-discipline and then helped by external devices, so must the passions and ambitions of nations be first regulated by a reform of the heart, before any external device can succeed. Humanity must learn to honour only such leaders and politicians who would lead people to peaceful and fruitful rivalry rather than those who would rouse their passions and ambitions by placing before them rosy pictures of power, wealth, empire and domination. When this is done and nations have cultivated the will to be honest, just and fair in their dealings with each other, external devices of constitution and law will not be difficult to devise and work. India stands for a society of nations, where every country, big or small, important or unimportant, free or under international guardianship, has, as in a democracy, one vote each. As in internal politics we are against the dictatorship of the one or the few, so are we

against the international dictatorship of one powerful nation or a number of them in combination. It is difficult to maintain democratic institutions in a world of nations with unequal international status.

Even while the war was going on, the fundamental freedoms for which it was advertised to be fought, were repudiated in practice by the Allies. The stress of war was invoked as an argument to justify every violation of moral principles. But even after the war is over, the fundamental freedoms are as still-born as ever. The peace Conference is anything but peaceful and the UNO anything but united. The nerves of all nations are on edge and already their minds are haunted by the fear of a third world war. What the big nations of world are thinking is not how to remove the causes of war, but how to make bigger and better atom bombs. It should have been clear from the start that atomic energy could not be used for peaceful purposes without its being available for purposes of destruction. Today the experts have given their considered opinion on the same lines. If the use of this energy is not somehow banned, then with national rivalries, ambitions, idea of revenge and retaliation being what they are, there is danger not only to world peace, but to the very existence of the human race on this planet.

The treatment meted out to the defeated nations leaves a trail of bad karma of fear, resentment and revenge. In the case of an anti-social individual, punishment, revenge and retribution are not the best of the most civilized methods of cure. What is true of the individual is true of the nation. If it is unjust and inhuman in the case of an individual to visit the sins of the father on the son, much more so is it in the case of groups to visit the sins of one generation on another. The defeated nations should not be parcelled up, or made to serve as pawns in the game of international power politics. Every effort should be made to put them on their legs, and every opportunity afforded them to live a normal healthy political and economic life.

A free India will have in the field of international affiliations.

connections more natural and more suited to her geographical position than she has had under foreign domination. As a matter of fact up to now we have had no free connections at all. We were bound to the wheel of British international affiliations. Whoever was a friend of imperial Britain was India's friend; whoever was Britain's enemy became automatically India's enemy. For the sake of British alliances and enmities, India was twice dragged into war at the cost of untold suffering and loss of life. Free India must cast off this heavy burden. We must have a foreign policy of our own.

We have no past commitments and no imperialist ambitions for the future. We are concerned with achieving and maintaining the freedom of our country so that our nationals at home and abroad may have their rightful opportunity to full and free development, according to their resources and their genius. We have no enemies. We would like to forget even the wrongs that Great Britain has done to us, once she has made amends and withdrawn her yoke from our necks. We would have no quarrel with South Africa if in the insolence of racial pride its white minority did not seek to deprive the Indians domiciled there of their elementary rights of citizenship, after having enticed them from home.

We respect the right of every people to choose the form of government that suits them best without depriving others of the same right. We watch with equal interest Russian adventure in Communism, the British experiment in democratic socialism and the American faith in private enterprise. We wish to imitate none of these forms, though we may have a great deal to learn from each. We would like to maintain a friendly intercourse with all these great peoples on a basis of equality and mutual respect for each other's rights We must be on our guard against being misled by the propaganda that is being carried on in a section of the world press against Russia, and in another section against the democracies. We must not be duped by ideological claptrap into taking sides in international rivalries and thus embroil ourselves in a third world war, in the mistaken belief that we are serving the world. We should have enough scope at home for our reforming zeal without attempt-

ing to reform other nations.

Though we must develop and maintain equally friendly relations with all nations, our associations with our neighbours in Asia and Australia will naturally be closer. With China and Japan we have long historic and cultural associations. Even today, thanks to Pandit Jawaharlal Nehru, who in the fitness of things is our foreign minister, we have cordial relations with China. But we are so much separated from our next door neighbour that no cable can come from China direct here. It has to come via London and takes often more than 24 hours. All this must be changed. As soon as a democratic Japan, free from its imperial nightmare, comes into existence, India must cultivate its friendship. We may not be obsessed with other peoples' prejudices, be they of the East or the West. We have also cultural bonds with Indonesia and the eastern islands, which we must develop.

Our trade can most profitably flow in these lands to mutual advantage. India and Australia have nothing to lose and much to gain by closer intercourse. Central Asia and the Middle East are other lands with which we have cultural contacts. A fourth of our population professes in common with the inhabitants of these lands the faith of the Prophet. We must renew these contacts and forge new links of friendship. With Soviet Russia too our relations must be closer, With all that we must keep up the connections we already have with the western democracies.

In the past our organisations, whenever occasion arose, freely expressed its views upon current international affairs. Now that our representatives are in the seats of power, we will have to observe greater restraint. We must realise that free government have innumerable channels through which they get information concerning the trends of thought and action in other lands. They have their intelligence agents in other lands. They have scholars studying in foreign universities. They have their merchants and industrial and trade agents. They spend millions of pounds to maintain these sources of information. Apart from

international press agencies, they have thus many channels through which information about other countries flows to them. Even then, often the information they collect from all these open and secret, official and non-official agencies proves to be misleading, if not wrong.

We must realise that today most of these sources of information are closed to us. We have yet to establish this network of international agencies. At present most of the information on international affairs that we get is from one or two tainted press agencies. All this makes it desirable that we must be guarded in our opinions about other countries. We have to realise that today, more than ever, any irresponsible expression of opinion on our part may involve responsibilities we are not yet ready to shoulder. We must therefore observe in this matter reserve and restraint. Our aim remains the same, which is to contribute our best as a free nation towards democracy, the emancipation of the oppressed, international peace and cooperation. We shall fulfil these aims better by trying to realise them in our own institutions and ways of life than by sitting in judgment on other peoples.

There is an aspect of our international relation about which it is necessary, in the interest of peace, that we should make our stand clear. And that is, that though we make no fetish of national sovereignty and are willing to subordinate its rights to the claim of world peace and cooperation on the basis of perfect equality between all peoples, we will not tolerate interference with the right of our people to choose their form of government or violation of the territorial integrity of India. Whether it is the presence of British troops in India against the wishes of our chosen representatives, or foreign-paid propaganda to create dissension in our ranks, or the continued occupation of portions of our soil by the Portuguese and the French on whatever pretensions, it is a violation of those fundamental freedoms of which no nation can be deprived. If the British can quit India, as they have unequivocally promised to do, it is ridiculous for the Portuguese authorities to claim that Goa is part of their country thousands of miles away.

I congratulate Dr. Rammanohar Lohia for having exposed the gross injustice and indignity to which our compatriots are subjected in Goa. I assure our people there that they have our full sympathy in their fight to vindicate their just rights and that free India will never tolerate their subjection to alien tyranny. I appeal to the Portuguese authorities not to complicate an already complicated international situation by claiming what is not legitimately theirs and to build an enduring foundation of friendship between our two nations by undoing the wrong that has been done. The days of empires are over, and today when even big and powerful nations are being obliged to give up their empires, it is time that the small nations, in their own interest, should gracefully withdraw from theirs and thus help to remove the main cause of wars between nations.

*South Africa*

The question of the status of our countrymen in South Africa has suddenly become one of world eminence, having been represented by the Indian delegation before the U.N.O. Field Marshal Smuts vainly put forth his objection that the question being purely domestic was not one to be entertained by the U.N.O. The argument, I am glad, was brushed aside by the assemblage. It is opposite to recall that this prolonged fight has been possible only or mainly because our countrymen made for the first time in history the successful use of the marvellous weapon of Satyagraha in that land of gold and diamond. The end of this question we have not seen and may not for some time to come. Sufficient it is for our purpose to note that our countrymen there are holding forth the non-violent battle in which men and women belonging to all parts and communities of India have joined hands. The battle is not one of bread and butter but of national self-respect and honour which is more than bread and butter. On your behalf I wish to tell our countrymen there that in their noble struggle the whole of India is at their back. In passing I note here that the attention of the coloured and exploited races of the earth is rivetted

on this struggle alike for the issue as for the means employed to bring it about.

Closely akin to the South African struggle is the one now being carried on in Kenya and Tanganyika. Here the position of the white man is much more untenable than in South Africa. But for want of space in this bird's eyeview of a variety of questions, which must engage us on the threshold of independence, I would love to take you through the romance of our pre-European and peaceful penetration in Africa through its East coast. I must content myself with commending to your attention the papers made available to us by the East Africa Indian Deputation that recently visited India. In your name I pledge India's support to our countrymen in East Africa as in the South and wish them every success which is theirs by right.

*Ceylon and Burma*

Both Ceylon and Burma are our next door neighbours. Only a strip of water separates Ceylon from India. Like Burma it took Buddhism from India. Geographically, culturally and traditionally, it is united with India which it can aptly claim as its mother country. The northern part of Ceylon—Jaffna—is hardly distinguishable from the mainland. For some time past there has been an unfortunate movement to oust the Indian labour population from Ceylon on the ground that they cannot claim citizenship rights there and at the same time regard themselves as Indian nationals. As in South Africa, Indian labour was, in the first instance, induced to go to Ceylon to serve the latter's economy. Ceylon and India have been good neighbours all along and the Congress is determined to maintain and develop these relations. In March 1946, the Congress Working Committee deputed Shri Aryanayakam and G. Ramachandran to meet the Ceylon ministers and discuss with them the vexed question of Indian labour. They succeeded in clearing some ground. It was proposed to send Pandit Nehru and Shri C. Rajagopalachari to further carry on the negotiations. But owing to pressing engagements they could

not proceed there. It is unthinkable that a peaceful solution of the question cannot be found. Ceylon and India have a common destiny. Cut off from India, Ceylon stands in the danger of being swallowed up in the global strategy of big imperialist powers.

Ethnically and historically Burma is not a part of India. But a common subjection and a common struggle for freedom from foreign imperialism have forged a spiritual link between the two. The experience of the last war has shown how vital the two are to each other for their existence as free countries. Indian nationals have played an important part in the development of the Burmese economy. They have amassed fortunes there. It is up to them to reassure the Burmese that they have no designs to benefit themselves at their expense and that their activities are not inimical to the Burmese interests. Exploited ourselves, we must not lay ourselves open to the charge of exploiting others. Indian nationals in Burma must identify themselves with the people of Burma and mix with them as sugar does with milk. Knit together in a common friendly relationship, India, Burma and Ceylon will be in a position to fulfil their historical mission in the creation of a federation of free Asiatic nations that would constitute a powerful bulwark against imperialism and exploitation, whether of the Western or the Eastern type.

### *Our Organisation*

Let us clearly understand what the Congress is. We hear today about Congress Governments. This is a misleading term. The so-called Congress governments are popular democratic governments. What Congress has done is to organise the country for the formation and smooth functioning of these governments. Today the Congress has organised the people of India for shouldering state responsibility. For many years our peole were organised and led by the Congress in their struggle against the arbitrary rule of the British Government in India. It may be that again the Congress, instead of organis-

ing the democratic state, may go into the wilderness and resume the struggle for freedom. Let us hope it will not be necessary to do so. But the point that I would like to impress upon you is, that the Congress is merely the agency for the organisation of the people of India for effective national service. This service may take various forms according to changing circumstances.

The Congress, thus, is a democratic organisation seeking to represent and act on behalf of the people of India. It has done this through service, sacrifice and suffering. It could not be otherwise, for it had to dislodge from its position of power a foreign imperialism that had crushed and emasculated the country. We must clearly understand that the Congress is not the Government. It is a volunteer organisation. This is its strength as well as its weakness. A volunteer organisation is not buttressed by the physical might of the state. It does not rely for its discipline or for the carrying out of its orders upon the magistrate, the constable and the soldier. It functions only through the willing loyalty of its members. Its authority is moral and not physical or coercive. The utmost that the Congress can do is to expel a member from its organisation.

The first condition, therefore, of the existence and effective functioning of such an organisation is unity. This unity is not superimposed by a dictator or a bureaucrat. It can be only achieved if its members learn consciously and deliberately to subordinate personal and party considerations to the larger interests of the whole. They must realize that the larger embraces the smaller. This realization is the more necessary in India whose bane through the centuries has been the parochial loyalties of caste, creed, class and the narrow geographical unit. This does not mean that there should be no difference of opinion or no groups or parties in the Congress. It only means that the different groups and parties should realize that in an organic unit one cannot be true to a part unless one is true to the whole. We may in this respect take a lesson from England. An Englishman's loyalty to his country transcends all family, local and party loyalties.

This can be done if we try to emphasise what unites us rather than what divides us from one another. It should not be difficult because in reality the points of agreement between groups in the Congress are more unmerous and more important than the points of difference. Let us not elevate small disagreements to the seemingly heroic heights of principles. We must also cultivate personal contacts, for men nnd women are often better than their ideas and ideologies, and this can only be discovered by social contacts. Above all, let no group act as a liquor shop in a respectable neighbourhood, drawing to itself the wayward, the disappointed and the disgruntled of the family.

The second condition of healthy and effective functioning of the Congress is discipline. This must be self-imposed. We must build up such traditions and conventions as would make indiscipline difficult, if not impossible. Anybody indulging in conduct that is likely to harm the organisation or the country must lose caste in the Congress. There must be things that simply cannot be done by Congressmen because they are not done. Nor must there be scramble for power or a desire to capture the organisation. Power must flow from service and must be used for greater service. The Congress organisation is not a government. We can get out of it only as much as we put in it by the service of our people. In their affection we must realise, as Gandhiji does, our highest reward and fulfilment.

In our struggle against foreign imperialism we have learnt and employed certain methods of agitation and struggle for the attainment of our goal of independence. Because these methods have paid us in the past, we are likely to believe that they are of universal application. We imagine that they will serve us also against the democratically established governments which we have now ourselves installed in power. We have put them there to advance the cause of freedom. The methods employed in our agitation against the foreign government may not, therefore, be quite appropriate in the case of our own. The foreign

government provided us with no means of influencing, much less regulating, its policies. If we made any constructive suggestions, they were not heeded. There was no democratic device by which we could displace the executive. The British, in spite of their admiration for Churchill and appreciation of his war services, could throw him out, because for problems of peace they wanted a more suitable leadership. But here in India we had not the power to change a village constable, if he chose to make a public nuisance of himself. The only remedy under such circumstances was agitation and criticism, which were largely necessarily negative. No constructive suggestions were tolerated or accepted. We had also resorted to direct action for the achievement of our independence.

Today, when we can change our legislators and ministers, direct action should be out of the question. Even in our criticism we must be careful and considerate. Our ministers in the provinces and at the Centre are harassed by so many political and administrative problems that they need our understanding and sympathy. The nation wants too many things done quickly. We have desired freedom so keenly and so long that we have come to believe that its advent will solve all our problems. We are therefore apt to be impatient and to overlook the difficulties our representatives have to face in a government that has no traditions of service, and whose officials have always acted as the masters of the people. The machinations of the vested interests, official and unofficial, native and foreign, also make the task of a National Government at this initial stage difficult. Our criticism must, therefore, be constructive and sympathetic and never merely destructive. We must give our representatives breathing time to clear the mess that they have inherited.

Against the foreigner we could justifiably claim exclusive patriotism. Such a claim would sound hollow against our tried and trusted leaders who have proved their credentials with at least as much suffering and sacrifice as we ourselves have put in the cause of the country. I know that power corrupts even the patriot and the servant of the people. But the risk of power

corrupting can never be avoided. In the complex society of to-day, the executive must have requisite power to discharge its onerous duties. It will not do to repeat parrot-like the 19th century liberal slogan that, "That Government is the best which governs the least." Today society must be defended against the action of individuals and associations who in subtle legal ways seek to exploit it. The state must protect the rights of the citizen against such individuals and associations. It is, therefore, obliged to take upon itself tasks which no ancient ruler ever conceived it possible. If, therefore, the National Executives have to discharge their duties well and efficiently, they must have the requisite power. Today even in democracies the executives have such wide powers as Charles the First never dared to claim for himself. The only remedy against state power then is eternal vigilance. This is possible by the widest diffusion of kdowledge, general and political. In the meantime, let us make our suggestions to the Executives through channels we have already created. Let nothing be done or said which will be used by our enemies to discredit our representatives in the Government.

So much for the would-be critics. But those who are in the Government must also never forget that they are the servants of the people, not their masters. They must remember that they cannot afford to kick the ladder that has taken them to their eminence. Let them, therefore, always remain loyal to the Congress and through it to the people of India. From them they derive their strength and to them is their first and foremost responsibility. They must also see that they are not swallowed up by the bureaucrattc machine. They must reform and simplify it. They must have less of red-tapism and consistently with their public duty they must be accessible to the people. They must also dispense with much ot the paraphernalia of pomp and power that a foreign government thought necessary to keep its prestige. Their prestige is derived from service and voluntary poverty which they embraced before office came their way.

It is often complained that the constitution of the Congress

has broken down. It no longer works smoothly; the organisation has become too big and complex for it. There is, there fore, a demand for overhauling it. To meet this demand, the AICC has appointed a committee to suggest necessary changes. The committee, has met often and made its suggestions. These, if they are approved by the Working Committee and the Subjects Committee, will be placed before you for your adoption. If for any reason it is not possible to adopt the changes immediately, the Constitution Committee has suggested some interim changes which will regulate our elections and eliminate from these, as far as possible, corruption, scramble for posts and violence. But we must not forget that external checks cannot be effective, unless we cultivate public virtues. The last war has killed all idealism and made the average citizen cynical. It has introduced black market methods everywhere. These methods are used in Congress elections too. Bribery, fraud, impersonation and sometimes even violence are used to coerce the voter. Bollot boxes are stolen and destroyed. All this is degrading. It is a reflection not only on our public spirit but on our moral principles. It is strange that we should be non-violent in fighting foreign imperialism, but violent in our dealings with each other. This clearly shows that our non-violence is that of the weak and not of the strong. It is better to be strong and violent than to be weak and non-violent.

It is great good fortune that we of this generation have been afforded an opportunity to be the instruments of a noble cause. It is not merely the freedom of our people from foreign yoke that we are called upon to strive and work for. Such an opportunity has come to many people in history. Ours is a unique opportunity. It is to win our freedom by non-violent and truthful means and to work for high ends by moral means. Ours is the opportunity to bring about a fusion of different castes and creeds and racial and religious types. Ours is the opportunity to unity what appear to be differing and conflicting cultures. We have to work to build up unity in diversity and produce a mosaic of many colours. We have to combine various and often dissonant sounds and notes to produce a symphony

that was never before heard on land or sea. We may not forget that today humanity must find a peaceful solution to its conflicts, social, economic, political racial and cultural, or perish. There can be no violent solution. Violence has over-reached itself. It threatens to destroy the patient with the disease. Some other method must be found.

India has found the method and tried it to some purpose, under a leadership that comes once in many centuries. It is a new method. There have been lapses. But remember, no revolution in history was less costly in the loss of life, property and the dislocation of normal life, and created less hatred and strife than the Indian revolution, which, if we are not negligent, is on the verge of success. But whether immediate success crowns our efforts or not, let us not forget that we are engaged in a good and great cause. In such a cause there can be no ultimate failure. But if the cause is to succeed, the agents working for it must themselves be good and great. Slavery works neither for goodness nor for greatness. But the darkness of centuries can be removed the moment the light is brought in. In India the light has been lit. Let us keep it steadly burning and let us follow its lead, and all shall yet be well with us—*Bande Mataram.*

PART

# BRITISH COLONIAL INTERPRETATIONS AND PRONOUNCEMENTS

There is one provision in this matter of the official majority in which your Lordships may, perhaps, find a surprise. We are not prepared to divest the Governor-General in his Council of an official majority. In the Provincial Councils we propose to dispense with it, but in the Viceroy's Legislative Council we propose to adhere to it....It may be said that this is a most tremendous logical inconsistency. So it would be on one condition. If I were attempting to set up a Parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily upto the establishment of Parliamentary system in India, I, for one, would have nothing at all to do with it.... If my existence, either officially or corporeally, were prolonged twenty times longer than either of them is likely to be, a Parliamentary system in India is not the goal to which I for one moment would aspire.

**—Lord Morley**

Statement of the Secretary of State for India in the House of Lords on 17 December, 1908

# 18

# MONTAGU'S DECLARATION AND THE MEANING OF RESPONSIBLE GOVERNMENT*

## I

### *The Pronouncement of the 20th August*

In the last week of 1916 the Indian National Congress and the All-India Moslem League in their annual session at Lucknow resolved "that the time has come when His Majesty the King-Emperor should be pleased to issue a Proclamation announcing that it is the aim and intention of British Policy to confer Self-Government on India at an early date, . . . and that a definite step should be taken towards Self-Government by granting the reforms contained in the Scheme." This scheme the resolution then proceeded to give in detail. Some months later the Viceroy informed the Legislative Council that the Government of India had forwarded definite proposals for reform to the Secretary of State. Clearly some answer had to be given to the request tendered by the Congress and League before their next meeting. As a matter of mere courtesy they would have to be told whether their demand for a statement of policy was to be granted or not. Everyone, therefore, who had followed the course of affairs, had reason to know that some statement of policy was being considered, and might be expected at any moment. It was open to anyone to formulate and present their views as to what that statement should be.

On the 20th August 1917 the Congress and League received their answer. In form, as well as in substance, the answer differed from that suggested in their resolution. They had asked for a Proclamation of the King-Emperor, such as that which

*From Lionel Curtis : *Letters to the People of India on Responsible Government*, Chapters II and III and Appendix III.

was issued when Indian Policy had been last defined in 1858. The statement they got on the 20th of August was embodied in the form of an answer to a question in the House of Commons put to the Secretary of State for India. The Pronouncement was in substance the most important ever made on the place of India in the British Commonwealth. We cannot at this distance know what considerations induced a Cabinet, burdened with the exigencies of a terrible war, to make a pronouncement of such capital importance in a manner so unpretentious. Some allowance must be made for the difficulties which the Imperial Government has to face before we criticize the course they took. But to anyone, who knows anything of India, it must be a matter of regret that a pronouncement changing the whole direction of British Policy in India should have been made in a form so inadequate. Its significance must and will be determined by the gravity of the matter it contains. But that significance would have been far better understood by Europeans and Indians alike, had it been embodied in the form of a Proclamation, and, still more, had it been followed by such explanations by the Imperial Government and by the Government of India as its terms require. These terms are singularly plain. Yet dealing as they do with constitutional conditions new to India, their full significance has not been appreciated.

The Pronouncement, of course, contains much that is not new. It reaffirms principles which have figured as commonplaces in the speeches of Secretaries of State and of Viceroys since the time of Lord Morley. Such, for instance, is the promise to increase the association of Indians in every branch of the Administration, and of the gradual development of self-governing institutions. The really new and therefore important matter was that contained in the words defining the goal to be sought. The Congress and League had asked the Imperial Government to proclaim "that it is the aim and intention of British Policy to confer *Self-Government* on India at an early date." In the answer made to them on the 20th of August they got something else, and indeed more than they had asked for; and they got it

in far more definite terms. The goal is stated as "the progressive realization of Responsible Government in India, as an integral part of the British Empire." The words "Responsible Government" here appear for the first time in any official pronouncement on Indian Policy. I have seen it suggested in the Public Press that they were substituted by the Cabinet for the words "Self-Government," used by the Congress and League, in a fit of absence of mind. As a glance at the first words of the Pronouncement will show, its terms were discussed in correspondence between the Imperial Government and the Government of India. The delay which took place, after the despatches of the Government of India were sent to London and before the Pronouncement was made, is sufficient evidence that every word was discussed and weighed. A writer who objects to "Responsible Government" as the goal of Indian Policy cannot get rid of it by imputing carelessness and levity to British statesmen. "Responsible Government" must have been used in the place of "Self-Government" with a full knowledge of the meaning it conveyed. Our first business, therefore, is to see what was the meaning which the Imperial Government must have attached to it.

All executives are, of course, responsible to some higher authority. The Governor-General in Council is responsible to Parliament in England. So were the executives of Ontario and Quebec in the time of Lord Durham, and those of the Transvaal and the Orange River Colony in the five years succeeding the war. They were so responsible because they could be dismissed and replaced by the Secretary of State acting as the Agent of Parliament. The demand arose in these countries (and at one time or another in all the self-governing Dominions), that the power of dismissing and replacing their executives should be taken from the Secretary of State and vested in their own electorates and in the Assemblies elected thereby. That demand has always been made in the name of Responsible Government. In the minds of men like Mr. Lloyd George and Lord Milner, in whose recollection the demands made and granted in South Africa are still fresh, the term cannot possibly have suggested

anything else.

But the matter admits of no kind of doubt. Within the last few weeks the Lieutenant-Governor of the United Provinces, addressing the Convocation of the Allahabad University, used the following words : "The British Government has announced that the ideal for India is Responsible Government, which means the administration of the country by an executive authority responsible through an elected legislature to the people; and we now have to shape our course towards that goal."

An executive is only responsible to a higher authority when that authority can remove it and put another in its place. In this Pronouncement the goal prescribed for India is identified with that already attained by the self-governing Dominions. It is to be reached as an integral part of the British Commonwealth. At present the Government of India and those of the Provinces are answerable to, and removable by, the British electorate through Parliament and the Secretary of State. The Imperial Government now looks forward to a time when those executives will all be answerable to, and removable by, Indian electorates, through elected Assemblies. It is added, however, that this goal can only be achieved "by successive stages." The British Government and the Government of India, in other words the Imperial Parliament and electorate, to which both these Governments are answerable, are to decide, from time to time, what those stages are to be and how fast they can be taken. But why are these stages needed ? Why cannot the final power of removing and replacing these executives be transferred at one stroke from the Secretary of State to Indian electorates ? The answer is contained in the words of the Pronouncement : "The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of

and it's up to England to help India to self-government. That is the principle for which we are fighting."

In the last few weeks I have read and listened to suggestions that this declaration of policy was wrung from England by fear. Would Indians, who have said such things in Calcutta, repeat them within the sound of the guns to those who stand in the presence of death, to whom the word "fear" cannot be named? By such words they dishonour not England but themselves. Not once nor twice in this country have I felt how little they know of India who only India know. Englishmen must learn to know India better, but some Indians have need to know what England is, and that knowledge must be sought in the shambles of Flanders and France.

For the moment, however, I am speaking to my own countrymen in India. Whether it will ever be possible to transfer the control of all Indian affairs to Indian electorates, and to place India on the same footing as the self-governing Dominions, is a point upon which some of us may differ. But on one point we shall all agree, that unless or until that goal can be reached, the final decision of British Policy in India must rest with the Imperial Government, Parliament and electorate, which for the present is the British Government, Parliament and electorate. Such decisions cannot rest either with Indians, nor yet with the British community in India. But what both communities can do is to give public opinion in England the information it sadly needs, and give it in time. So far the information available there has been drawn from two sources, and two only; from Nationalist quarters and from British officials. From missionary circles little has been heard, and from business circles in India, till the last few months, nothing at all. I am not questioning the truth of what Nationalists say, or what the officials say. But I do say that the picture placed before the people of England is utterly incomplete, unless it includes information other than that derived from Nationalist and official quarters.

It is for this reason, I believe, that everyone in England will

welcome the sudden awakening of their unofficial countrymen here to an interest in public affairs. For the moment the trouble is that that awakening has come too late. A new declaration of policy had been long pending and promised; but the views of the European community were not expressed until it had been made in terms which are now impossible to alter.

In future the people of England will, one hopes and believes, receive the advice of their countrymen here. The effect of that advice will surely depend on its quality and motive. If it is solely concerned with the interests and privileges of Englishmen in India it will, I predict, weigh but lightly. If on the other hand it comes from men who are keeping in view the interests of India and of the whole British Commonwealth, and who speak with knowledge, not only of their own business concerns, but also of the public trust which England is seeking to discharge in this country, such advice will, I blieve, weigh with preponderant force. The time has come when your countrymen at home are entitled to have your opinions on subjects like communal representation, and the separation of executive and judicial functions. India is not Morocco, nor the Argentina, nor Korea, but an integral part of the British Commonwealth. and the time is past when Englishmen here could confine themselves to business, as though public questions in India could be settled on none but official advice. And therefore the time is past when the European Association could stand only for securing the privilege of Europeans in India.

With all this I know you will agree. But there is another and even grayer point. From time to time England must make decision, and give pledges with regard to her policy in India -- such pledges as were given in 1858, and once again on the 20th of August last. You at least know the value of British prestige, which rests simply on India's faith in the two Saxon words "Yea" and "Nay". In the end England will be judged in India by what England herself does, or leaves undone. But at any given moment the people of England largely stand to be judged by their fellow-countrymen who are face to face with Indians themselves. The men who return from the trenches will, I believe, see that this promise is kept. Let their countrymen here

think twice before assuming position which must lead Indians to think that Englishmen at home may be made to play fast and loose with their pledges, Those pledges are given to you no less than to Indians, and they also will be making a vast mistake, if they dream that after the war England can be brought to change or go back on one phrase or word of this solemn Pronouncement.

That is the main point. But now there is a kindred point, which I commend to the notice of Indians as well as to my own countrymen at this juncture. The Pronouncement is binding on the Secretary of State *in all its terms*. Under them he was sent here by the Imperial Cabinet, and, as I read them, it is not permissible for him to discuss whether such a declaration should have been made, whether responsible government is a feasible project in India, or whether, let me add, it can be granted outright, or otherwise than by a succession of steps. His inquiry is limited to the four corners of that Pronouncement. The advice he must seek is simply how offer may be best given to it. If this interpretation is right, is follows that everyone who feels he has views to offer at this juncture, should consider whether the Pronouncement is one which he can accept, and whether the views he has to offer are within its terms. It is perfectly open to anyone, British or Indian, to say he does not accept its terms : such views can be addressed to the imperial Government, to Parliament and the public in England with whom the ultimate decision lies. But the Pronouncement shows that the Secretary of State has not been empowered to discuss such views. Surely he is limited by its terms to proposals which can be brought within the lines laid down for him by the Imperial Government before he left England. And the limitation is two-edged. Advice to do nothing, and proposals to grant responsible government outright, are in fact demands that the Pronouncement should be changed, and that new instructions should be issued to the Secretary of State, I venture to predict that it will not be changed, and that these instructions will bind not Mr. Montagu only, but all Secretaries of State in time to come until, by successive stages, Responsible Government has been realised in India.

directly elected by the Boards. The remaining 9 are returned by electoral colleges composed of delegates elected by District and Municipal Boards in each of nine Divisions. The Boards are directly elected; so at last we come to the bed-rock of primary voters. The voters to the District Board are simply nominated by the Collector. But he may not nominate more than 100 for any one tahsil, which means in practice not more than one in every 2000 inhabitants. Educated Indians are accused or seeking an oligarchy under the guise of Self-government. Here, in a law made by ourselves, the image of oligarchy was stamped on the system. This iron limitation is enough to show how little the fundamental problem of developing electorates figured in the minds of those who elaborated this travesty of an electoral system.

We are now in a position to trace the electoral chain by which a member of the Imperial Council is supposed to represent a voter in one of these Divisions.

1. The primary voter returns a member to the District or Municipal Board.
2. The Board returns members to an Electoral College.
3. The College returns a member to the Provincial Council.
4. The non-official members, including sectional members and those appointed by Government, return a member to the Imperial Legislative Council.

The system is one which destroys any real connection between the primary voter and the member who sits on the Legislative Councils. Repeatedly have I asked those in a position to know, whether a primary voter casts his vote with any reference to the effect it will have in determining the composition of the Legislative Councils. The answer was always in the negative. For all practical purposes, the non-official members of the Provincial Councils are primary electors, so far as their representatives in the Imperial Council are concerned. They hold no mandate from those who elect them. Their position as elected

members is purely and simply a voter's qualification, which takes the place of age, property, education, or any of the ordinary qualifications of voters. One member in the Imperial Council sits by virtue of a majority of 9 votes. The total number of votes, by which all the elected members of this Council are returned, can scarcely exceed 4000. That gives less than an average of 150 for each member. Similarly, members of the Legislative Council of the U.P. are elected by about 3900 votes, or an average of about 143 for each elected member.

From this analysis, it is plain that, so far as the Legislative Councils are concerned, the so-called representative system is a sham. The experience it provides can do little or nothing towards developing electorates, for the reason, that the primary voter for the District and Muncipal Boards cannot possibly trace the effect of his vote on the Legislative Councils. Lord Morley failed to see that this was the crux of the problem, because he would never face in his own mind the prospect of devolving responsibility on Indian electorates as the Imperial Government has now faced it. Hence the practical importance of the recent Pronouncement.

Let us now turn to this essential question, the development of electorates, and see what answers have been given to it. One answer commonly given is that no political responsibility can be given to electorates, until education is far more advanced and more widely spread than it now is. Implicit in this answer is the presumption that the future electors can be educated to a sense of political responsibility in schools and colleges. My answer is that if you were to cover India with schools and colleges until you had multiplied the educated classes tenfold, without at the same time giving them any instalment of genuine political responsibility, you would have rendered India ungovernable under any system. This I believe is exactly what has happened in Russia. There, public responsibility was limited to Municipal and District Bodies. In the Imperial and Provincial Governments, the educated classes were confined to criticizing the executives, over whom they had no control. In the political sphere they were left without responsibility for

seeing that the government was carried on. The natural result is that they have been able to destroy government, but have proved utterly incapable of evolving any government of their own, which they could bring themselves, let alone the illiterate majority, to obey. The results are before us, if only in the awful silence which envelops Russia, and recalls those hours in the Black Hole of Calcutta. So deadly and so general is the struggle of each for himself, that no one is able to tell those without of the tragedy in progress within. May the wisdom of her rulers deliver India from a like fate ! But that cannot be done by denying education to her people. They must have education, and more and more of it, but the result will be the same as in Russia, unless side by side with increasing education is given a steady and progressive increase in political responsibility.

The truth is that schools and colleges can do no more than teach people how to learn. They can impart knowledge, but wisdom can only be learned in the school of responsibility. It can only be taught by leaving men to suffer by the results of the things which they themselves do; still more, by the results of the things which they leave undone.

Last year I visited a village in Central India where some people had died of cholera. The villagers had promptly gone to the police station, obtained permanganate of potash, put it in the wells and stopped the cholera. The Commissioner, with whom I was camping, told me that only a few years before the police had been mobbed for attempting to disinfect the wells. The change had come about, because, in their own experience, they had seen that permanganate in the wells will stop cholera. Now let anyone consider whether this practical truth would have come home to them, if it had only been taught them in text-books. School teaching will help to disintegrate the deadening effect of custom, to open the eyes of the mind to new ideas, and enable a community to read the lessons of experience more quickly. But the practical lessons of life must come from experience itself. Without experiencing the results that follow the giving of votes, under a system so simple as to make that

experience easy to read, education will operate to unfit a people for responsibility in public affairs. The two things must go side by side. The educational value of the present electoral system is destroyed by its complication, and also by the fact that members have no function but criticism, and no responsibility laid upon them. And hence there is none laid upon the voters. But their judgment cannot be developed except by a system which anables them to trace the results of their votes on their own lives; in plain words, by some responsibility.

In the making of electorates, a quality more difficult to develop, even than judgment, is discipline. The hardest lesson a raw electorate has to learn is that of giving the rulers they elect power to rule. The obedience upon which government is founded, even in Autocracies, is at root moral. Despotism rests on a basis of theocracy, on the idea of a law delivered on Horeb. The obedience rendered by his subjects to an Indian Prince is inspired by the belief in his divine title to rule. It is not force which makes the Indian peasant so docile to British rule, so much as an ingrained conviction that power to rule is of itself an evidence of divine authority. To this title the Kaiser is constantly appealing. It has enabled the Czars to rule Russia for centuries. But the idea is one which will not stand the disintegrating force of education. If relied upon too long, it suddenly collapses, as in Russia. And then a people undisciplined by any sense of responsibility, outside the sphere of district, village or town life, are called upon to obey men elected to rule the Province and the Nation. The old principle of obedience is suddenly shattered, before they have had time to acquire the only alternative principle, which is the habit of obeying rulers in the general interest and because they represent the general authority. Self-government rests on a sufficient capacity in enough individuals to put the interests of others before their own. It is the Sermon on the Mount reduced to practice in the field of politics. This habit can, I firmly believe, be produced in any people by constant and increasing exercise. But it is contrary to all reason and all experience of human nature to suppose that it can be produced without the exercise of responsibility, steadily increased as the habit

becomes more fully acquired and more widely spread. Mr. Montagu's mission is the necessary corollary of that undertaken by Dr. Sadler and his colleagues.

To put the matter in a nutshell, the view—long current—that an improvement and extension of education is the key to the political problems of India is a dangerous half-truth. It is but a fragment of the time key, and if tried alone, will break, with the results inevitable when a lock is jammed by a broken key.

## III*

### *I.—Principles*

The Imperial Government having sent the Secretary of State to India for the purpose of gathering opinions of all sections, we feel the that the members of both the communities should discuss together the advice to be offered to the Government hearing in mind that future generations are more affected than ourselves by changes about to be made. We also think that, in times like these, anything of the nature of civil discord amongst those not called upon for active service is out of place. Our opinion is that Europeans and Indians should first agree as to the main outlines which they think the pending reforms should follow. These outlines having been settled, it will then be possible for the different sections to formulate their own views as the details, in respect of which it would be to the public advantage that the Government should have every shade of opinion before them. The agreement relates only to the points printed in black type.

Turning then to the recent pronouncement, we note that it was issued as embodying the policy of the Imperial Government upon which the three principal parties in Great Britain are

*An address signed by 64 Europeans and 90 Indians and submitted to the Secretary of State for India and the Viceroy expressing reaction against Montagu's Declaration of 20 August, 1917.

now represented. As no contrary motion has been raised in either House, it must, in accordance with all precedents, be recognized as a declaration of policy accepted unanimously by the supreme legislature of the British Commonwealth.

In view of these considerations we agree to accept the pronouncement of the 20th August as common ground, within the limits of which the discussion can take place.

We have next to consider the positions implied in this pronouncement. To begin with we note that for the first time in any official pronouncement the vague and ambiguous term "self-government" is replaced by the plain and definite words "responsible government," which necessarily means the creation of executives responsible to, and therefore removable at the will of, elective bodies and electorates. This principle finds no expresion in the various proposals already before the public on the 20th of August, which were all inspired by the looser conception embodied in the words "self-government." The pronouncement thus creates a new position, which cannot be met by the adoption of any scheme of reforms as yet submitted for public consideration.

We agree that, having accepted the pronouncement, we are not only free, but even bound to consider the new situation created thereby with open minds.

We are further of opinion that the direction of any steps taken in the immediate future ought to be considered first and foremost from the point of view whether they are calculated to lead towards the goal presented in the pronouncement under review. The necessary criterion, whereby all immediate proposals must be judged, is a clear conception of the ultimate goal, however remote. That goal is defined as "responsible government in India as an integral part of the British Empire." This implies the calling into existence, in India of a self-governing nation or nations, on the lines of the great self-governing Dominions. The all-important question is, therefore, raised, whether India is to be regarded, like the continent of Europe,

as the future home of a number of self-governing nations or else like the United States as it would have been, had it developed as a British Dominion, a nation living within the bounds of one territory, but in size so great that it must be divided into a number of self-governing provinces. Is India to become a nation or a continent of nations, a Dominion or a group of Dominions? Are the separate provinces to be developed as separate self-governing nations? Or are we to look forward to a time, however remote, when interests common to India will be controlled by a Government responsible to India as a whole?

For those who accept the pronouncement the answer will be found implicit in its terms. Bengal, Madras, Bombay, Bihar and Orissa, the United Provinces and the Punjab are indeed units of population equal or approximating to the scale of great European powers. But, if developed as self-governing nations their future electorates would still be unable to control railways, tariffs, commercial law, and other major interests common to India as a whole. The control of interests, purely Indian, would still have to be exercised in the future, however distant, by the Imperial Government of the British Commonwealth. Responsible government for India in Indian affairs could never be realized under these conditions. The history of the United Kingdom, of Canada, of Australia and of South Africa proves that national self-government cannot be realized here for any unit smaller than the Indian Peninsula. However formidable that enterprise may seem, and however remote its ultimate attainment, that goal must be adopted by those who accept the pronouncement and read its terms in the light of the experience gained in the other Dominions. In the comprehensive nationhood of India, to be called into being in centuries to come, the individualities of the Bengalee, the Maratha, the Sikh, the Canarese and all the other numerous races must each find their place as sub-nationalities, like those of the English, Scotch, Welsh and Irish in the United Kingdom, and like those of the British and French in Canada. The goal to be kept in mind must, therefore, be, not the nations of Europe, but rather

the United States as it would have been had it developed as a self-governing dominion of the British Commonwealth. However remote the realization of this conception may be, steps to be taken in the immediate future must yet be judged by the criterion whether they tend towards that goal.

To begin with, we are bound to consider how far the existing map is in harmony with this conception.

The map of India has been designed to suit the needs of a great dependency, whose internal and domestic affairs are subject in every detail to direction from an authority on the other side of the world. A government, whose mainspring is outside the area it is governing, has no difficulty in uniting under one administrative machine, not only communities which are different in character, but separate territories. Under this system, the Imperial Government had no difficulty in incorporating Burma as a province of India. But if India is now to be governed with a view to becoming a self-governing nation, Burma, by reason of her situation, never can have a place in its national fabric. She has less in common with India than Ceylon. Her affinities with India are less than those of Finland with Russia, or of Mexico with the United States. The project of developing India as a self-governing nation can be rendered less formidable at once by eliminating Burma. It has no place in the picture. It ought to be put in the same category as Ceylon, and nothing in these suggestions should be taken as referring to Burma.

In like manner, the conception, abandoned in the recent pronouncement, has operated to divide India into a few great satrapies commensurate with the principal nations of Europe. In Bombay, it has united communities so diverse as Sindhi, the Marathas and the Canarese. No less artificial is the union of Bihar with Orissa. In the United Provinces more than 48,000,000 souls have been brought under the rule of a single officer, and so long as those Governments are solely amenable to a Government which takes its direction from London, no difficulty is experienced. But the moment any real beginning in

responsible government is made, and executives responsible to electorates are created, however, limited the powers entrusted to them may be to begin with, such combinations will surely break down. They will fail as certainly as did the attempt to unite Ontario and Quebec under one executive responsible to a common electorate. The foundations of Canadian nationhood were only laid by according separate provincial governments to both the races, under which each race could enjoy unhampered its own language, religion and system of law. The examples of the United States, Canada, Australia and South Africa, as contrasted with India, China and the dependencies of Spain and France in the eighteenth century, prove that under elective institutions provincial administration cannot be made effective for units of population the size of great nations. Had the United States attempted to develop itself on the basis of five or six provinces, each would, for administrative reasons, have been driven to subdivide itself into minor self-governing provinces commensurate in size with the existing forty-eight States. Country Councils or District Boards cannot take the place of Provincial Governments, which in nations of a certain magnitude must be interposed between local authorities on the one hand and the national Government on the other. Hence, the Government of the United Kingdom with its population of 45,000,000 is increasingly unable to cope with their need for social reform.

Thus, had America tried to develop on the basis of five or six provinces, each with subordinate provinces, each therefore on the scale, and organized on the pattern, of great federal nations, each would have felt and acted as nations. They would have fallen apart, and the United States would have failed to achieve national unity in accordance with the demands of nature and good government. Her territory would have become the home of five or six nations, with no common control of interests common to all. Like Europe or South America, she would have become the theatre of ceaseless wars, instead of the home of internal peace.

The conclusion is that it is impossible for India to develop

as a self-governing Dominion or to achieve a genuine nationhood in the future, however distant, on the basis of a map inherited from the Moghul Empire and fashioned to suit the needs of an administration which has its mainspring in England. We agree, therefore, that the selection of areas capable of development as the self-governing provinces of a future United States of India within the British Empire should be undertaken at the outset. These areas should be termed "Provincial States" as a reminder that they are designed to serve as the autonomous provinces of the future United States of India within the Empire. The term also recalls the Native States. Their areas should be commensurate with the larger of those States like Hyderabad and Mysore, and should be determined, so far as possible with reference to history, to community of race, language and religion, and above all to effective self-government on true provincial lines. Care should also be taken not to combine under one Provincial Government areas of totally different types, the economic interests of which are wholly distinct.

So long as an autocratic regime exists, its subdivisions can be re-adjusted with relative ease. But the moment they are made the areas of elective authorities, the difficulty of changing them tends to become insuperable. Had the States of America been too large at the outset to serve as the ultimate areas of provincial autonomy, no power could alter them now, short of conquest or civil war. The Kingdom of Prussia overshadows all Germany, and no one dares to suggest its partition into provinces commensurate with its partners. To-day it needs but the nerve and foresight of a statesman to find and fix areas in India capable of developing into effective self-governing provinces, and yet such as will admit of her growth as a nation at unity with herself.

We agree, therefore, that the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the moment when the first instalment of responsible government is granted.

Bearing in mind, then, the picture of India as a self-govern-

ing Dominion of the federal type, we recognize that, in the words of the pronouncement before us, "progress in this policy can only be achieved by successive stages." There must be stages, and the questions before us are, where those stages should begin, and what they should be. Reason and experience alike point to the conclusion that it is not in the sphere of the central Government that the beginning should be made. Whether in the case of the United States of Amercia, of Canada, Austrlia or South Africa, nothing was done, or could have been done, to create a central and national Government responsible to the nation as a whole, until responsible government had been completely and finally established in the several provinces. This does not imply that changes cannot, or ought not, to be made whereby public opinion may be voiced more freely in the counsels of the central authority, while that authority remains in theory and practice responsible to the Secretary of State. But responsible government means entrusting some functions to executives which hold office, and can be dismissed from office, by elected legislatures or electorates. The principle must first be tried and established in the provinces. It is only when provincial executives are answerable for all their functions to provincial electorates that the Indian executive can be rendered answerable to, and removable by, an Indian Parliament and an Indian Electorate.

We, therefore, agree that the first steps towards responsible government cannot be taken in the sphere of the Central Government.

We have next to consider the fact that administrative mechanism designed to obey an authority remote from India itself cannot, as it stands, respond to the impetus of Indian electorates. Mechanism must be adapted to the nature of the force which drives it. The whole administrative system of England would have to be revised if the control of the electorates were replaced by a centralised power exercised from without. The reverse is equally true of India. If electorates are to be given responsibilities however limited, they must to a great

extent, and to an increasing degree. operate through departments, organized on principle different from those of the present machinery. With the introduction of responsible government it is necessary, therefore, to contemplate a change, not only of areas, but also in the character of the departments through which the electorates are to operate. The existing provincial administration cannot be moulded by a series of gradual changes into the provinces of a self-governing Dominion. Their place must gradually be taken by provincial organs of a new type. The first step must be to create now organs responsible to the electorates of suitable areas. To these, specified functions together with corresponding revenues and powers of additional taxation, must be transferred All other functions must be reserved to the existing provincial Governments, to be transferred by successive stages to the elective organs, as such may prove its capacity for assuming the additional burden.

It follows, therefore, that during the period of transition governments of two different types will have to exist side by side. The maintaining responsible government can be granted without creating executives responsble to, and therefore removable by, elective assemblies and electorates for certain functions and revenues with suitable areas. Meanwhile, the powers not yet transferred must be exercised by the existing provincial Governments, which must be kept in being for that purpose, and remain responsible to, and therefore removable only by, the Government of India, the Secretary of State and finally Parliament itself. If responsible government is the goal, the only other alternative is sooner or later to transfer all powers of government at one stroke to executives removable at the will of Indian electorates. But this course is expressly barred by the terms of the pronouncement we have agreed to accept. It follows that in the transition stage governments of two different types must co-exist, the one responsible to electorates, the other to the Secretary of State. In our opinion, therefore, it is of the utmost importance to insist now that the responsibility must in either case be a real one. The responsibility of the new executives to their assemblies and electorates, however limited their functions, must be real. It must not be confused and destroyed by a network or minor

restrictions and sanctions. On the other hand, the responsibility of the old governments to the Secretary of State for the functions reserved to them must be no less a real one. In discharging those functions, they can and should be exposed in every detail to the criticism and influence of Indian opinion. But in the last analysis the ultimate power of decision in respect of those functions must be reserved to the Secretary of State and his agents, until they can be transferred to the executives responsible to the electorates. And, in the words of the pronouncement, "the British Government and the Government of India must be judges of the time and measure of each advance."

We agree, therefore, that during the period of transition, Government of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers, and that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently.

We have now to approach the question how new organs of provincial government responsible to electorates can be brought into being. The first preliminary is to create those electorates, and also to provide an adequate supply of leaders competent to guide them and to translate their mandates into action and law.

With a view to providing men in some sort competent to act as members of popular legislatures and executives, there are improvements which might be made in the existing system. Executive Councils might be introduced in the United Provinces, the Punjab and the Central Provinces and Indians, not exceeding in number half the members other than the head of the province, might be appointed to each. A second Indian Member might be added to the Executive Councils already in being. But these suggestions, if adopted, would add but half a dozen to the number of Indians in touch with administrative detail; of greater importance therefore is the suggestion that the unofficial Members of Provincial Councils should be divided into committees, severally attached to the Members of Council, in much the same relation as the India Council is attached to the Secretary of State. In this capacity they would see and advise upon cases submitted

to their opinion by their Member of Council, and thus gain an insight into administrative conditions. The most valuable these changes can be made without legislation, and might, therefore, be effected as quickly as possible. They will help to prepare legislators and ministers for the first experiment in responsible government.

On the other hand, they will do nothing to prepare electorates. Electoral figures have never been published; but in parts of Northern India they are known scarcely to exceed one two-thousandth part of the population. But electorates of an adequate strength and quality are the necessary foundation of responsible government. There must be an adequate number of citizens to whom Government is answerable, and from whom, therefore, Government can derive its authority; and those citizens must be capable in some sort of understanding the questions submitted to their judgment, of placing the public interest before their own, of doing justice to each other, and, what is of even greater importance, to those outside the electorate, even at the sacrifice of their personal interests. The material for such electorates is sadly deficient, and must be created. To argue that this can be done merely by extending the type of education given in schools and colleges is a dangerous fallacy. On the contrary, as all experience shows, a general extension of education without simultaneous extension of political responsibility ends by sapping the foundation of government. A great improvement and extension of education throughout India is urgently needed. But wisdom can only be learned from the teaching of experience itself, and all that education can do is to open a people's mind, and enable them to read the lessons of experience which the exercise of responsibility alone can bring.

In order to train voters for the task of government, some responsibilities for government must be laid upon them. Until this is done, the process of political education has not been started. The gradual extension of such responsibilities must go side by side with the extension of education. Nor do we consider that this can now be limited with safety to the sphere of Local Government, which, of necessity, deals with administrative details only. The time is at hand when some responsibility for

considering and deciding questions of principle, some political responsibility, that is to say, ought to be placed on the shoulders of electorates. Thus, while we do not think it is possible at this stage to make such changes in the Government of India, we think that the time has passed when the principle of responsible government can be limited, as it now is, to the sphere of local administration. If genuine electorates are to be called into being some responsibilities of a provincial nature must first be laid upon them, and afterwards increased, as the electorates can be strengthened and enlarged, and can demonstrate capacity for bearing the burden. To make that burden too heavy at the outset is to jeopardise the whole project. No prudent person, for instance, would suggest that they should be made responsible for the maintenance of law and order to begin with. To do so, would be making a break-down which more than anything would delay progress towards complete responsible government. To begin with, the old experienced Government must stand by to maintain order, and discharge those functions upon which the immediate stability of the social fabric depends. The first power to be transferred to electorates should be those connected with social reforms, with the future building up of society, like education and Local Government. As soon as electorates have proved themselves capable of discharging these functions, it will be time to transfer others, the neglect of which is more quickly felt. We think, as a general proposition, that an electorate may be deemed fit for the exercise of full responsible government whenever it has been entrusted with, and has proved its competence in the control of Police and Justice.

In our opinion, therefore, a beginning should be made in training electorates by making them responsible for certain provincial functions. But the training will not be effective, unless the system is so simplified that electors can easily trace the effect of the votes they cast. The existing tangled and complicated system of election is destructive of all educational result so far as political responsibility is concerned. The ordinary voter cannot possibly foresee the result of his vote on the Provincial Council, still less on the Imperial body. Besides which the existing system is an incentive to corruption. If only to render corruption more difficult, the initial electorates should

be as large as possible. They should include those whose pockets will be directly affected by the votes they cast, for it is thus that the connection of cause and effect is first brought home to electors.

Above all, the method of voting must be direct. Indirect election not only destroys the educational value of the system, but destroys responsibility itself. It is really a device for concealing the fact that adequate electorates do not exist and evades the difficult truth that they cannot be made a reality without giving some responsibilities to some electorates not yet ripe for them and taking inevitable risks.

*II—Outline of the Scheme Proposed*

We now propose in outline a scheme of development such as we think would give effect to the principles upon which we have agreed. Having done so, we shall be in a position to suggest the special safeguards which should be accorded to Industrial and Commercial interests. We recognize that the scheme must be one capable of adaptation to suit the highly various conditions and levels of advancement in the different provinces of India. We shall, therefore, sketch the scheme as we think it might be applied to a particular province, taking as our example one which is not so advanced as the old Presidencies, but perhaps more so than other parts of India. For this purpose we select the United Provinces, which has the advantage of being not only central, but also the largest in India.

In this Province we suggest the old Kingdom of Oudh as an area suitable to form a Provincial State in the future self-governing Dominion. Another might be formed from the divisions surrounding Benares, a third from the Doab; while those to the North-West might be grouped round Meerut. Primitive communities, like those of the hill districts of Kumaon and Bundelkhand and of Mirzapur, might, to begin with, be reserved to the present Government of the United Provinces. The Government, subject to certain changes, which we shall outline later, would remain in being, holding and exercising all powers which had not been transferred to the four Provincial States.

The first step would be to create the largest electorates which may be deemed possible under existing to conditions, accordance with the principles suggested above. Indian conditions are so various that these principles must be applied in harmony with the conditions of each Provincial State.

These electorates should elect assemblies consisting of from 45 to 75 members each. To these bodies should be transferred at least the present functions of the District Boards, coupled with the control now exercised by the Government over those functions. In order to simplify the electoral system, as far as possible at the outset, and avoid confusing the mind of inexperienced voters by numerous elections, those of the District Boards might be abolished for the present in backward provinces at any rate. The Boards might be appointed by the Government of the Provincial State until it sees fit to re-establish an electoral system for the districts.

The municipalities would, of course, remain as at present, but would be transferred to the control of the Provincial State. The creation of panchayats and other local authorities would also be included within the legislative powers.

By this scheme the new Governments would at once be vested with the full control throughout their areas of—

Roads and Bridges : Primary Education.
Local Government.

To these in the United Provinces we think that Agriculture, and in Bengal that higher education, should be added.

The administration of these functions would rest with a Ministry drawn from the assembly and responsible thereto. The Ministry would consist of five portfolios :

A Minister of Public Works.
Ditto of Education.
Ditto of Local Government.
Ditto of Agriculture.
Ditto of Finance.

The Ministry would be called into being as follows. An officer, presumably the senior commissioner in each Provincial State, would be made the superior officer of the other Commissioner or Commissioners in that area. As Chief Commissioner he would thus control all the officers in charge of the reserved functions retained by the Government of the United Provinces. He would also act as the constitutional head of the Provincial State, that is to say in the capacity of the Governor of a Province like Quebec or Tasmania. In that capacity he would send for the Member of the newly elected assembly who, in his judgment, was best qualified to command the support of that body, and would ask him to form a Ministry.

The Ministry, when formed, would then proceed to design departmental machinery suitable for administering the various functions under their portfolios. Their new departments would be staffed from officers taken over from the services of the United Provinces, all existing rights of officers being strictly safeguarded by law. In this operation they would be assisted, not only by the Chief Commissioner, but also by a Civil Service Commission of three, with reference to which we have more to say hereafter. Ministers would not be expected to take over their functions from the old Government until the arrangements for the necessary departments were complete.

The relations of the Chief Commissioner to his Ministers are of great importance. An undivided responsibility would rest on Ministers, so far as the functions transferred to them are concerned. They would be responsible to the assembly for their decisions, and, provided they were *intra vires*, the Chief Commissioner would have to give legal effect to those decisions by his signature. No responsibility would rest upon him in respect of the transferred powers. But before signing their decisions he would have every opportunity of giving his Ministers advice, and, if they were wise, they would avail themselves of his advice to the full. They would do so the more readily in that an undivided control of their own functions would rest with themselves. They would be responsible to the assembly, and the

assembly to the electorate; and a chain of responsibility at once simple and clear, between the elector and the administrative officer, would thus be established.

The Chief Commissioner would thus be in a position to guide his Ministers in the execution of the transferred powers by his influence and advice. On the other hand, he would control all the officers of the United Provinces in charge of the reserved functions within the areas of the Provincial State. He would thus be well situated to smooth away the causes of friction inevitable between the two authorities. In all federal systems at least two authorities must administer their different functions within the same area, and some friction always exists. Whether the system works or not, simply depends upon the efficacy of the means provided for reducing the friction and of disposing of questions at issue between the two organs of Government.

We agree that a share of the consolidated revenue of the Province should be handed over to the Provincial State Governments, proportionate to the cost of the functions transfrerred to them; in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself.

This is essential to any genuine scheme of responsible government. The electors must learn from experience that, if they demand on extension of services placed under their control, the cost of the extension must also be met from their own resources. This condition is vital to their political training. The taxes imposed by them can still be collected by the existing Board of Revenue, as happens at present with the cesses imposed by District Boards. The taxes, however, imposed by the Provincial State Government should be collected from the tax-payer on separate and distinctive notes of demand so that he may clearly recognize that the charge is one imposed by his own representatives.

The finance of the Provincial States should be subject to the same audit as those of the United Provinces itself, that is to say of the Finance Department of the Government of India.

The auditors should disallow any expenditure outside the powers of the Provincial State, and institute inquiries, when any trace of corruption is found. They should also disallow all uuauthorized expenditure, but on this, and, generally, on all matters relating to financial administration, they should report direct to the Committee of Public Accounts of the State Assembly.

The Government of the United Provinces might be empowered to make grants-in-aid of certain objects, subject to inspection, the payments to depend upon the Provincial State Government having carried out those objects to the satisfaction of the Inspectors. But otherwise checks and sanctions in detail should be studiously avoided, for two reasons. In the first place, they are the most fertile cause of friction. In the second place, they undermine the responsibility which ought to rest on the new Governments and their electorates. The Government of the Province will, of course, retain the usual power of veto over legislation passed by Provincial State assemblies; and borrowing would be subject to Government control.

Otherwise, we believe, that the one sound and effective check will be found in a power of total suspension held in reserve. If the Government of a Provincial State prove its utter incompetence, the assembly should be dissolved, and the issue referred to the electors. If then the electors fail to establish a Government competent to put matters straight, and their areas remains a scene of neglect, corruption or disorder, the system must be suspended for that area. The Provincial Government will be there to resume their functions and to set the Provincial State in order, just as is done in the case of Native States, continuing to administer until the time seems ripe for a fresh beginning of responsible government. In the case of civil disorders, brought about by the intolerance of a Provincial State Government, there must be powers of summary suspension. We return to this subject also later.

The initial experiment would be started for a definite period of, say, seven years. At the end of that period the whole system throughout India would be reviewed by a Commission reporting direct to the Secretary of State. The Commission should include mem who had served as Governors of Crown and self-governing

Colonies. After examining the conditions of each Provincial State on the spot, the Commissioners would report whether fresh powers should be granted such as the control or irrigation and forests, of higher education, of local railways, of famine relief, and so forth. Or it might report that the Government had done so-indifferently that the existing powers should merely be renewed. Lastly, in cases of total failure, it should have powers to report in favour of suspension; but, before the Secretary of State takes final action, the papers should be laid before both Houses of Parliament.

It must at the outset, be laid down that during the seven years' period no claim can be entertained for further administrative powers or a further share of the consolidated revenue of the province. This is essential in the interests of the new electoral bodies themselves. Their whole energies must be reserved for the task of justifying the powers already assigned to them and thus establishing their claims to further powers at the end of the period. If the attention of the electorates is continuously diverted from social reforms to agitation for political change, progress towards responsible government is foredoomed from the outset. The dates at which claims for further changes are to be considered should be fixed in advance, and the machinery whereby those claims are to be decided on the basis of fact and experience should be settled from the outset.

We agree that in the intervening periods no demand for further executive powers or for a further share of existing revenues should be entertained.

This does not apply, however, to legislative powers. Again we are keeping in mind the picture of India, as she will be when constitutional finality is attained, and all matters, domestic to India, are subject either to her Provincial State assemblies, or to an Indian Parliament. In the work of framing the final constitution, the task of apportioning the legislative powers between the National Government on the one hand and those of the Provincial States on the other, will be difficult indeed, unless, during the period of transition, the problem has been worked out and solved by the test of experience. To this end we suggest that Provincial State assemblies shall be encouraged to petition the Provincial Governments, from time to time, for legislative

powers they desire to exercise. The petition would be cast into the form of an enabling Bill submitted to the Legislative Council of the Province. The Bill, after first and second reading, would be referred to a committee upon which the Provincial Government would appoint a majority of members. The procedure of the committee would be exactly that of a Standing Committee of Parliament appointed to deal with Bills promoted by local authorities. Counsel would be heard on behalf of the promoters, and of all interests affected by the Bill. The preamble would have to be proved. The clauses would then be considered, passed, negatived or amended; and evidence for or against the contentions of those promoting the Bill would be heard. The enabling Bill, if passed into an Act, would then define with accuracy the limit within which the Provincial State assembly could legislate on the subject.

The same method is applicable to new sources of revenue A Provincial State Government might desire to increase its revenues by a stamp on patent medicines sold within its area. It would then be open to it to embody the proposal in an enabling Bill, and to bring it before the Legislative Council of the Province Under the Bill, if passed, its assembly would then pass legislation imposing the new tax. Thus by means of experiment, appropriate sources of Provincial State revenue would be discovered.

At the close of each period of seven years, the Commissioner would review the results, and advise whether the powers so obtained by one Provincial State should be extended to all. The Government of India should be free, at any moment, to generalize such powers by legislation. In this way, whenever the time comes to create a government for India responsible to an Indian electorate, the legislative powers appropriate to the Provincial States will have been ascertained by the only trustworthy tests, those of trial and experience.

That time will have arrived whenever a sufficient number of Provincial States have acquired the control of justice, jails and police and have proved their competence for the fundamental task of Government, that of maintaining order. The confirmation of a Provincial State in those powers will amount to a

final certificate of the fitness of its electorate for full responsible government. When a sufficient number of Provincial State electorates have acquired that certificate, the time will have come to summon their representatives to a National Convention to devise a constitution, under which the Government of India can be made responsible to an Indian Parliament and electorate; and the constitution, like those framed by the representatives of the Canadian, Australian and South African Provinces, will acquire legal effect as a statute of the Imperial Parliament. In matters common to all India, responsible government cannot be introduced by stages. It must be introduced at one stroke, by one instrument of Government—the constitution of India, under which she will assume her final place in the Commonwealth of Nations. That can only take place when a sufficient number of Provincial States have established and proved their competence for responsible government The stones will then have been quarried and shaped from which the final edifice can be built.

The old Provincial Government will, of course, vanish the moment their final powers have passed to their Provincial States. But the question of reforms, such as will fit them to fulfil their transitional functions, is of great importance. Their functions will be to hold and administer the reserved powers until the last final function, that of maintaining order, can be handed over. But another and even more important function will be that of supervising the acquisition by the Provincial States of new legislative powers and sources of revenue, which, of course, they will do subject to the direction of the Government of India.

As stated already, we assume that Executive Councils will be established in all but the minor provinces, one half of which will be Indian; a majority being retained for the European members by the Governor's casting vote.

The Legislative Councils should be composed mainly of delegations from the assemblies of the Provincial States, together with some additional members appointed by Government to represent special interests. There is nothing to prevent the introduction of officials at any time who are required to discuss matters within their expert knowledge. But official voters should vanish. The existing system of official members voting by order, irrespective

of their personal views, is derogatory to their own position, wasteful of their valuable time, fatal to principles which should govern public debate, and eminently calculated to create a feeling of antagonism between Indians and Europeans as such. It is also insincere. If Government cannot accept a motion of whatever kind, let the Governor say so, and let that suffice. A final difference of opinion between the Government responsible to the Secretary of State and the spokesmen of public opinion is not mended by the practice of annulling the votes of elected members by those of officials' cast, under orders of Government. Let the Councils consist entirely of non-official members, the members of the Executive Council and such other officials as they choose to bring with them appearing only for the purposes of debate. Let every detail of administration, of legislation and of the estimates be brought before the Council for discussion. Let the work of Government be exposed to unofficial criticism and influence from end to end. The onus of final decision in matters for which the executives are responsible to the Government of India and to the Secretary of State rests with them, subject, of course, to the provision that those superior authorities can always reverse the decision of their agents, on petition from the Legislative Councils. Just as the responsibility of the Provincial State ministers to their assemblies and electorates must be unhampered and clear, so also must be that of the Provincial executives to the Government of India and the Secretary of State.

That the two principles are inseparable will be seen by reference to the procedure whereby the Legislative Councils will deal with enabling Bills promoted by Governments of Provincial States. The Legislative Councils will mainly consist of delegations from those bodies, one of which is promoting the Bill. An assembly so formed will be likely to voice every kind of opinion which may be held with regard to the new legislative powers sought therein. On second reading, on report stage and on third reading its members will have every opportunity for doing so. The assembly will send members to the Select Committee. Government will thus have access to every phase of public opinion on the subject, as well as to the views of the Government of India, which will hold a brief for the future federal Government of India. But clearly the power of final decision on any disputed

point could not be left with the spokesmen of the Provincial State assemblies. The system will not work, unless the responsibility of either authority for the functions assigned to it is real; which cannot be, unless its power is equivalent to its responsibility. The most important of all the responsibilities reserved to the old Governments in the transitional stage is that "of judging of the time and measure of each advance."

We consider that the Imperial Legislative Council should be reformed on the same principles. The official votes should vanish and the members should be largely recruited by proportional representation from the Provincial State assemblies and other public bodies as at present.

As the transfer of officers is likely to prove more delicate and difficult than the transfer of powers, the subject has been left for separate treatment. Our view is that there should be attached to the Government of India and to the Government of each province a standing commission of three senior officers, one of whom should always be an Indian These Commissioners should inspect and be cognizant of the work of every department, and to every officer in those departments. It should be their duty to bring to the notice of Government all cases of over or under employment, of overlapping and of all defects in organization. They would serve in fact as the Consulting Engineers of the administrative machine. They would have no powers but those of report. It would rest with Governments to give effect to their recommendations. A vast human machine, which is always being changed and increased, requires continuous inspection of experts who stand outside it and view it as a whole. Government which is part of the mechanism has no time to do this; and, without the advice of such experts, the gradual adjustments required to keep it in gear, and to avoid overlapping and waste, are not perceived and made in time. When the whole structure has grown thoroughly obsolete and clearly unsuited to public needs, a Civil Service Commission is appointed, largely consisting of amateurs. An elaborate inquiry is undertaken at vast expense. Questions are put which are difficult for officials to answer with honesty in public. A great strain is put on their time and a

great disturbance of the public mind is occasioned. Their recommendations involve changes so great that it is very difficult to carry them into effect, whereas those changes, if effected gradually, as the need had arisen, could easily have been made.

This is one aspect of the permanent Civil Service Commission which exists in the Dominions But there is another and even more important feature of the institution as it exists in Australia and New Zealand. Appointments and promotions are, of course, made by the Government, but on the advice of the Commissioners. Government is not bound to take their advice, but if it departs therefrom, it is bound to record its reasons for the information of the legislature. The plan has been devised to relieve Government of the demoralizing burden of patronage, which consumes the time and energy of its members urgently needed for administrative work. In effecting this object, the permanent Advisory Commission has proved successful.

In India, we think that all appointments should be made on the advice of such Commissioners. Three should be attached to the Government of India, and three of each of the provinces. Where the Government, of India or Provincial Governments depart from their advice, their reasons should be recorded for the information; of the Secretary of State; where Provincial State ministers are unable to take their advice ; their reasons should be recorded and submitted to their Legislative Assemblies.

The Standing Commissions would play an important part in the transfer of officers to the departments of the new elective authorities. Such transfers would be voluntary so far as is possible. Ministers, with the advice and assistance of the Chief Commissioner, would arrange for the voluntary transfer of officers from the old departments to their own. But where voluntary arrangements failed, the transfer would be effected on the advice of the Commissioners, to which effect would be given by the Provincial Government, subject to the conditions specified above. The organization of the new departments would also proceed subject to the expert advice of the Commissioner.

*III—Safeguards*

We have outlined a scheme such as we think is capable of being adapted to varying conditions in the different provinces of British India. But, wherever, as in Bengal, there exist commercial and industrial interests representing great investments of capital, we consider that special safeguards are necessary, less in the interests of the investors than of the people of India themselves. Responsible government cannot be initiated or advanced without an increase of public expenditure. A development of natural resources is essential in order to provide the additional revenue. But development requires a free investment of capital from without, and nothing could be more fatal to the prospects of such investment than to allow an impression, however unfounded, to take root at this juncture that existing investments of capital are not secure. Unless special safeguards are provided at the outset, fears will exist in the money markets of the world that existing interest may be subject to injury, either by reason of predatory or regulative legislation, or by reason of neglect of transportation and other facilities. It is wise to allay these fears at the outset.

In the first place, all legislation will be subject to the veto of the Indian and Provincial Governments subject to the Secretary of State. In Dominion constitutions, the Acts of Parliament, embodying the powers of the Dominion Governments, do not include most important constitutional provisions, those governing the relations of the Dominion to the Imperial Government. Such provisions will be found in the instructions issued to the Governors by the Imperial Government.

It is in instructions issued by the Imperial Government to the Government of India, that securities against legislation injurious to commercial and industrial interests can be given. In these instructions it should be laid down that legislation affecting commercial and industrial undertaking should be reserved for the sanction of the Secretary of State, and a limit of time should be laid down, within which representatives from the interests affected can be received by him.

We agree that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied.

This will not, however, allay the fears of those who have invested their capital in plantations and other industrial undertakings scattered about the country, lest the value of their property may be ruined by neglect of transportation facilities, of protection from flood, water-supply and of other public utilities.

Where demage to industrial interests from such neglect can be proved, the Provincial Government should have power to step in, and do the necessary work at the cost of the Provincial State Government in default. Throughout the period of transition the Provincial Government responsible to the Secretary of State will be in existence and in a position to provide the necessary remedy. That Government will vanish only when the Provincial State Governments within its jurisdiction have finally proved their capacity for efficient administration. The final certificate of efficiency would not be given to a Provincial State Government, so long as it showed a tendency to neglect public utilities upon which the value of capital invested on productive undertakings in their area depends.

We agree that the Provincial Governments responsible to the Government of India and the Secretary of State shall have power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of Provincial State Governments, and to charge the cost thereof to the revenues assigned to the Government in default.

In this connection we return to the final remedy of recalling powers and of total suspension. It is, however, mainly with a view to the progress of responsible government itself, that we urge that these safeguards should be made real. If India is to move as quickly as possible towards the goal or complete ressponsible government, each part of India must, in the stage of transition, be enabled to move at its own pace. Government

must be ready to reward proof of efficiency in administering powers already granted by a generous transfer of fresh powers. The whole system rests on the principel of placing responsible governments on trial, testing capacity, and making recorded experience the ground of future advance. Such advances should be bold ; but advances will not be bold, unless it is understood from the outset that, where steps in advance have clearly been premature, they can be retraced Experiment is the only sound basis of policy ; but no experiment is real, unless Government is able to abide by negative as well as by positive results. Government will make experiments freely, only if it knows that it can and must give practical effect to lessons of failure as well as to those of success. If the right of recall be established, Government should be bold in adding to the powers of progressive electoral authorities. For the rapid advance towards full responsible government of some Provincial States will certainly react on their backward neighbours. Nothing is more contagious than example, and it is to the forward States that we look to set the pace of progress. It should, therefore, be made as safe and easy as possible for Government at stated intervals as add to the powers.

For similar reasons the power of total suspension held in reserve is important. The existence of the power, in fact as well as in law, will largely operate to render its use unnecessary. If the Imperial veto on Colonial legislation is rarely exercised, it is largely because the power, unlike that of the Sovereign, is a real one. Colonial ministers refuse to accept amendments from their own supporters when they know that such amendments, if incorporated in a measure before the legislature, would oblige the Imperial Government to veto it.

In like manner the public disgrace, inseparable from suspension, will act as a spur to the ministers, assemblies and electorate of backward Provincial States, and prevent their allowing the standard of government from degenerating to the point when total suspension is obviously needed in the public interests. Neglect and corruption cannot continue to flourish unchecked in one Provincial State without reacting on the progress of the

others. Positive anarchy is infectious and spreads to its neighbours. Just as a progressive State will stimulate progress in those behind it, so a total failure will impede the progress of those in advance of it. The best hope for such a community is the total suspension of its incapable regime as in the case of Native State, where anarchy is rampant. Corruption must be weeded out, injustice must be redressed, public utilities must be restored, and a clean and efficient standard of government re-established, before the community is allowed to begin once more an attempt to do these things for itself. It is on the same principle that in the United Kingdom a constituency, provenly corrupt, is disenfranchised for a period of years.

We agree that the Government of India must have the right to recall powers which have been abused or neglected, and, in extreme cases, to suspend the Governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament; but in cases of emergency the Government of India may exercise the power, subject to the subsequent sanction of the Secretary of State and of Parliament.

Lastly, it is necessary to consider how an adequate representation can be secured for those in charge of commercial and industrial undertakings. These are largely financed from capital outside India, and are mainly administered by Europeans. They are in number a mere handful, but, in the interests of the new elective authorities, it is essential that they should be represented in some proportion to the magnitude of the interests they control. It would be a calamity to India if they drifted into the position of Uitlanders. Their assistance is needed in building up the fabric of responsible government. Provincial State ministries and assemblies will have everything to gain by an adequate infusion of a race to whom the working of responsible government is familiar.

We agree that, (*a*) wherever industrial and commercial interest are located, an adequate representation should be accorded ; (*b*) adequate representation should be accorded to Mahomedans, land-holders aud minorities generally.

*IV—Procedure to be followed in giving Effect to the Scheme*

The question will naturally be raised how effect can be given to the provisions set out at the end of the last section. The same question arises with regard to number of other provisions recommended in this note. Any seheme, which suggests at this juncture how India can start on her progress towards responsible government, is open to the same criticism. The new pronouncement was only made on the 20th of August last, and the Secretary of State has reached India witnin three months from that date. It is utterly beyond the power, even of skilled and experienced officials, to collect within that time the facts and figures necessary before the details of proposals can be work-out. Nor, we venture to predict, will the Secretary of State himself be able to do this, with all the assistance which the Government of India can give him. The short time at his disposal here will be more than occupied with the study of principles, and if any attempt is afterwards made to work these principles into a complete scheme in London, we believe that it will fail for lack of detailed information, which can only be obtained on the spot. Such failure will mean delay, and delay will not be understood in India. It will surely breed distrust and continued agitation. The greatest need of India is that prompt and unmistakable steps should be taken to give effect to the policy outlined in the recent pronouncements. The only way in which this can be done, is by the early enactment of a measure by Parliament such as will set in train the progress of India towards responsible government there foreshadowed.

The solution of the problem, we suggest, will be found in the precedent set by the Government of London Act of 1899. By this measure it was proposed to abolish more than forty vestries, and establish in their place a far smaller number of municipal bodies. The whole scheme, including the constitution of the new bodies, was firmly outlined in the measure. Yet the Parliamentary draughtsman, situated as he was in the middle of the subject dealt with by the measure, with all the forces of the Local Government Board, the Home Office, the

London County Council, the City of London, and the vestries at his disposal, was unable to cope with the innumerable details which had to be worked out before effect could be given to its provisions. In order to bring the new bodies into existence, it was necessary to delimit areas, fix the number of members on the various bodies, adjust their finances, and disentangle and rearrange a multitude of details. All this was remitted to three Commissioners named and appointed under the Act. The moment the Act was passed the Commissioners got to work, and, as their arrangements were framed, legal effect was given to them by orders in Council issued in terms of its provisions.

We believe that the adoption of this course is the only way to avoid a delay which will prove mischievous in the extreme to the peace and interests of India. It is not delay in bringing into being the new organs of Government that we fear. That of necessity is a task the details of which need time for their execution. Any attempt to burke those details will only end in further postponement. The delay, we fear, is in framing a measure which the Imperial Government can adopt for submission to Parliament, and in the passage of that measure into law. The trust of India in Parliament is unimparied, and if once the scheme of reforms is firmly outlined in statutory form, and Commissioners are appointed to give effect to it, the people of India will not be found wanting in patience. Their energies will, we think, be devoted to aiding the Government and Commissioners in working out the details and carrying them into effect.

We agree, therefore, in advising that the specific points to which our agreement relates and the outlines of the scheme sketched in these proposals be laid down in an Act of Parliament: but that all questions, within those outlines relating to franchise, constitutions, powers, finances and such like details be remitted to not more than five Commissioners named under the Act, to be dealt with in India by the Commissioners, in consultation with Governments and People, the arrangements of the Commissioners, to be given the force of law by Orders in Council.

The goal of responsible government having now been declared, the scheme should, in our opinion, be one which initiates not only the immediate steps, but renders visible to the people of India the whole path to the ultimate goal. We urge that the measures should be such as will leave no room for constitutional agitation. either now, or at any future time. It should set them free to devote their whole strength to social and political reform, by placing political as well as social reform within their reach. The situation we desire is one in which communities in all parts of British India can attain to new political powers, always, but only, by proving their fitness to exercise those they already possess, and will lead, as quickly as those proofs can be given, to a complete and final attainment of their status as the greatest Dominion in the British Commonwealth. It is to that end that we, British and Indians, have framed these proposals. We desire that the foundations of responsible government in India should be laid in trust and amity between her people and those whose forefathers have given this system to the world, that our enemies may learn that we know how to realize its principles, as well as to defend them. We, therefore, unite to submit, this scheme, believing that so, in the Providence of God a corner-stone may be laid in this Commonwealth of Nations for the perpetual union of East and West.

*With regard to the details of the scheme outlined above, we think that it is desirable that everyone should reserve full liberty of judgment. Our agreement relates only to the following specific points* :—

We agree—

(1) to accept the pronouncement of the 20th of August as common ground within the limits of which the discussion can take place ;

(2) that, having accepted the pronouncement, we are not only free, but also bound to consider the new situation created thereby with open minds ;

(3) that the existing provinces need not be assumed to be areas suitable as a basis for responsible government,

but such areas must be settled at the moment when the first instalment of responsible government is granted ;

(4) that the first steps towards responsible government cannot be taken in the sphere of the central Government ;

(5) that, during the period of transition, governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers, that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently.

(6) that a share of the consolidated revenue of the province should be handed over to the Provincial State Governments, proportionate to the cost of the functions transferred to them ; in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself ;

(7) that further additions to the powers of Provincial States, and to their share of existing provincial revenues should be considered by Commissioners reporting direct to Parliament, at intervals of, say, seven years, such interval to be specified at the outset ; and that in the intervening periods no demand for further executive powers, or for a further share of existing revenue, should be entertained ;

(8) that legislation passed by Provincial State Governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State ; and a limit of time should be laid down, within which representations from the interests affected can be received by him ; and further, that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reform is embodied ;

(9) that the Provincial Governments, responsible to the Government of India and the Secretary of State, shall have power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of Provincial State Governments, and to charge the cost thereof to the revenues assigned to the Government in default ;

(10) that the Government of India must have the right to recall powers which have been abused or neglected ; and in extereme cases to suspend the Governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament ; but in cases of emergency the Government of India may exercise the power, subject to subsequent sanction of the Secretary of State and of Parliament ;

(11) that (a) wherever industrial and commercial interests are located, adequate representation should be accorded ; (b) adequate representation should be accorded to Mahomedans, land-holders, and minorities generally ;

(12) that the specific points to which our agreement relates and the outlines of the scheme sketched in these proposals be laid down in an Act of Parliament : but that all questions within those outlines, relating to franchises, constitutions, powers, finances, and such like details be remitted to not more than five Commissioners named under the Act, to be dealt with in India by the Commissioners, in consultation with Governments and People, the arrangements of the Commissioners to be given the force of law by Orders in Council.

# 13

# DYARCHY IN OPERATION

## MINORITY REPORT OF THE RFORMS ENQUIRY COMMITTFE, 3 DECEMBER 1924

(*Extracts*)

In our opinion, the system of Dyarchy was during the first three years everywhere worked in the Legislatures by men most of whom were professedly its friends and who, generally speaking, tried to work it in that spirit of reasonableness which is referred to by the majority of our colleagues, and it is no exaggeration to say—indeed this is also the testimony of several Local Governments which we have quoted above—that generally a spirit of harmony and co-operation prevailed between the Legislature and the Executive, notwithstanding the fact that the atmosphere outside was for some time markedly unfavourable. The Indian Ministers and Members of the Executive Council also, upon whom new opportunities of service were conferred, appear to us to have been within the sphere of their executive duties, equally eager to work the Constitution in the same spirit of reasonableness, and yet differing from the majority of our colleagues we have been forced to the conclusion that the present system has failed and in our opinion it is incapable of yielding better results in future. The system has been severely tested during the course of this year and its practical breakdown in two Provinces, viz., Bengal and the Central Provinces, as a esult of the opinions of the majority of the Members of the Councils of those two Provinces who refuse to believe in the efficacy of Dyarchy, and the tension prevailing in the other

Legislatures for similar reasons, point to the conclusion that the Constitution requires being overhauled. It has failed in our opinion for several reasons : (1) There are the inherent defects of the Constitution which though theoretically obvious at its inception have now been clearly shown by actual experience to exit. (2) The Minister's position has not been one of real responsibility. (3) While in a few Provinces the practice of effective joint deliberation between the two halves of the Government has been followed, in several of them it has not been. (4) Excepting to a partial extent in Madras, almost everywhere else the Ministers have been dealt with individually by Governors and not on the footing of collective responsibility. (5) The close interconnexion between the subjects of administration which have been divided into 'Reserved' and 'Transferred' has made it extremely difficult for Legislatures at times to make in practice a distinction between the two sections of the Government, with the result that the policy and administration of the Reserved half of the Government have not infrequently been potent factors in determining the attitude of the Legislatures towards the Ministers, and have also in our opinion prejudiced the growth and strength of parties in the Councils. (6) The Meston Award has crippled the resources of the Provinces. It has been the cornerstone of the entire financial system, and it has prevented Ministers from developing nation-building departments to the extent which would have enabled them to produce any substantial results. (7) The defects of the Rules which we have noticed before and the Constitution and the working of Finance Departments have put a severe strain on the system.

...The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties which have been brought to our notice. To our mind the proper question to ask is not whether any *alternative transitional* system can be devised but whether the Constitution should not be put on a permanent basis, with provisions for automatic progress in the future so as to secure stability in the Government and willing co-operation of the people.

## SPEECH BY THE SECRETARY OF STATE, EARL OF BIRKENHEAD, 7 JULY 1925

'Has the Montagu-Chelmsford reform succeeded, or has it failed ?" My Lords, I cannot say that it has failed. It has been exposed to every cruel mishap which could befall a new Constitution, freely conceived and generously offered. Most of the popular leaders in Indian life have abused and defamed it. It has never been given a chance. Mr. Montagu undoubtedly looked, and surely he was entitled to do so, to those who cherished the most sanguine expectations of Indian political capacity to co-operate in this great task. These expectations were not realized. The critics of Indian capacity for self-government would indeed have been helpless had wiser counsels prevailed in India. Suppose, for instance, that judicious and sagacious co-operation had been exhibited by the leaders of Indian thought. Does anyone imagine that reactionary critics of those reforms in this country could in that event have retarded the chariot of progress ? Had that which was given been used with cheerful goodwill to justify the gift of that which was still sought, the task of acceleration would have been easy indeed. Unfortunately, the leaders of Indian thought contributed a different bias; and the most highly organized political party in India wasted its energies upon the futile attempt to destroy that which we had conceived, at least in its fruits, to be a generous experiment.

But not all the resources of a very adroit and sophisticated party have availed to destroy this experimental Constitution, and indeed, I, who was prepared to curse, upon the balance of the whole matter, find myself almost inclined to bless.

## REPORT OF THE INDIAN STATUTORY COMMISSION, (12 MAY, 1930)

(*Extracts*)

### *Political Party*

227. We have seen...how complex is the composition of the legislative councils and how it is based essentially on the

principle of providing separate representation for each of the main communities and interests.

As might be expected, the result—unfortunate though probably inevitable—has been to produce legislatures in which the formation of political parties, in the sense in which they are understood in this country, has been almost impossible and has indeed rarely been attempted. The various groupings, with kaleidoscopic changes of nomenclature, composition and leadership, have not often been on anything but communal lines, and their communal character has tended to become more rather than less pronounced.

The only really well-organised and disciplined party with a definite programme (though, it is true, a negative one) is that of the Swarajists. Only in Bengal and the Central Provinces did they, even temporarily, achieve their initial object of making dyarchy unworkable, and in the provinces they have tended everywhere, in varying degrees, to be transformed into an opposition of a more constitutional kind, and have not infrequently played a useful part as keen and vigilant critics. With the detachment of most of their original Moslem members, they have grown more definitely into a communal party. Other smaller parties formed, as in the case of the Swarajists, outside the provincial councils, and more or less of an All-India character, have appeared from time to time in the Provincial councils, such as Nationalists, Liberals and Responsivists, but these have not so far played a very conspicuous part.

Turning to parties originating within the councils themselves (not, it may be observed, in the constituencies), these have mostly been small fluid groups, generally communal or local in character, with an occasional, but not apparently permanent, tendency to amalgamate. Perhaps the best instances of something approaching true (even if not non-communal) parties are the Justice Party in Madras and the National Unionist Party in the Punjab, already described. Signs of an urban-rural cleavage have on occasions appeared in the Bombay Council, but without any tendency for these two interests to crystallise into

parties. Landlord and tenant make a division which has also emerged from time to time, especially in the United Provinces, where the landlords form a majority though they have never formed themselves into a coherent party.

228. ...The authors of the Montagu-Chelmsford Report hoped for the establishment of a convention that official members of the legislative councils should abstain from voting when transferred subjects were under discussion, and on other matters should have freedom of speech and vote, except when the Government thought it necessary to require their support. The Joint Select Committee thought that all official members of legislatures, except the Executive Councillors, should be free to speak and vote as they chose.

These theories have not proved practicable in the stress of working the new constitution. It would obviously have been embarrassing, if not improper, to have officials openly differing from the Government they served, even if their votes were not necessary for the support of that Government, but actually the reserved side was nearly always badly in need of their votes. A development which could not so easily have been foretold was that Ministers also frequently needed the support of the official votes. No Governor could let a Ministry, which had not forfeited his confidence, perish, or even suffer embarrassment, through the opposition or abstention of members under his orders, members, indeed who were servants of the Government as a whole and often immediate subordinate of the Ministers. There have been one or two occassions on which the Whips were taken off and officials voted as they pleased, and a few cases in which officials took a line of their own, but these were few and far between and of no constitutional significance. It became the universal practice for the officials in the councils to vote with Government, whether the subject under discussion belonged to the reserved or transferred side. Government could, therefore, always rely on this small, but solid, bloc of votes.

Government could generally, though not always, rely also

on the nominated non-official members...

*Absence of Ministerial Elected Majorities*

229. The importance of the existence of a Government bloc in the councils was enormously increased by the fact that such following among the elected members as the Ministers could command was seldom sufficient by itself to ensure them a majority.

In the first councils, there was nowhere, except in Madras, a homogeneous ministerial party with an assured elected majority. Generally, each Minister could carry with him (though by no means always with complete certainty) the votes of a small group, in many cases held together mainly by personal ties, and the votes of the official bloc were exceedingly useful and sometimes essential to provide a majority for Ministers. In the United Provinces, the ministerial supporters were definitely in a minority, and Ministers depended not only on the official votes, but on the personal influence which the Governor carried with the landlord members of the Council.

In the second councils, the Swarajists were sufficiently powerful to wreck the Ministry in the Central Provinces, as well as in Bengal. In the United Provinces two landlord Ministers now had an assured majority. As we have seen, the Justice Party majority in Madras was considerably diminished, and the official bloc began to be a factor of importance to Madras Ministers, as it had been and continued to be in the other provinces.

In the third councils, the situation was one in which there was no legislature in which the official bloc was not an actual or potential balancing factor. The ministerial majority had again disappeared in the United Provinces.

There is, accordingly, no province in which the official bloc has not at some time or other been of decisive value to Ministers, and in some provinces there has never at any time been a sufficiently large or cohesive ministerial party to enable Ministers to ignore the assistance of their official supporters.

These facts have had an important influence on the working of the dyarchic constitution;...

*The Dyarchic Executive*

230. Governors in choosing their Ministers have had an exceptionally difficult task. It would seldom be predicted what following a Minister would have in the legislature, quite apart from the fact that his acceptance of office was often followed, owing to personal rivalries, by the detachment of some of his previous adherents. The field of men of outstanding ability was not wide, and the refusal of office by the Swarjists made it still narrower in some provinces.

Ministers, mostly new to administration, suffered greatly from having to devote much of the time and energy needed for their duties to the tasks of attempting to keep the support of a precarious following in the legislature, and of meeting attacks—whether by way of votes of censure, motions for reduction of their salaries or other less direct methods—often inspired by motives only connected remotely, if at all, with disapproval of their policy or administration. The prevailing financial stringency was also a source of many difficulties.

These conditions have constituted a severe handicap, and the results which Ministers have achieved are, in most provinces, greater than might have been expected under such drawbacks. Much is no doubt due—as Ministers themselves have acknowledged —to the devoted service of officials, and much to the help and guidance of Governors. Ministerial handling of affairs has been such that there has been little occasion for resorting to the Governor's statutory power of overruling their views; in some provinces this power has never been used at all.

Ministers have shown themselves notably energetic in several of the spheres of administration committed to their charge. In some provinces they have made interesting experiments on which a bureaucratic government might have hesitated to embark. The results may not always have been successful, but a quickened public interest has certainly been achieved.

It is, no doubt, largely due to the wisdom with which Governors have used the dominant influence given them both by tradition and under the constitution in respect of both halves of Government, that Members and Ministers have succeeded, with hardly any exceptions, in overcoming the difficulties of working a Government divided into two halves. According to our information, relations between Members and Ministers have usually been excellent.

Ministers have worked together with far less friction than might have been expected in circumstances in which they were, more often than not, drawn from different groups or communities, and in which the taking of office has seldom been conditioned by any understanding that the principle of joint responsibility would be observed. This principle, it is true, was recognised by the Justice Party Ministries in Madras; and we may instance, by way of further examples, the resignation of a United Provinces' Minister, Pandit Jagat Narain, in company with the Education Ministers, Mr. Chintamani, on a matter arising in the education department; or the acceptance by Mr. Chakravarti, in August, 1927, of the Bengal Legislature's vote of no confidence in Mr. (Now Sir A.K.) Ghuznavi as a vote of no confidence in the Ministry to which they both belonged. It is curious to note that the Bengal Legislature refused to reeognise the principle of joint responsibility accepted by the Ministers themselves, and insisted on carrying a second separate motion against Mr. Chakravarti, in spite of his statement that he would resign as a consequence of the vote against M. Ghuznavi.

231. The success achieved in avoiding conflict within the Government itself was attained by encouraging its operation as a single whole, rather than by keeping separate the two component parts. The practical impossibility of conducting Government—at all events so far as major questions are concerned—in watertight compartments was in any event bound to produce a strong tendency in this direction, and this natural development was generally fostered by Governors. It became the widespread practice for all questions of importance to be discussed at joint meetings of the two sides of Government and

for the decision to be taken thereat, although it was recognised that constitutional responsibility for the decision rested only with part of those present. Separate meetings of the Executive Council seem to have been comparatively infrequent, and separate meetings of the Governor and Ministers alone together rarer still. There was, of course, in any case, nothing to encourage the holding of separate meetings of all the Ministers together as a 'Ministry' in those instances in which there has been no development of the sense of joint responsibility among Ministers. As might be expected, the precise extent to which the policy of unified consultation was carried out has varied somewhat from province to province and from time to time in the same province; but the general development has undoubtedly been of the character stated above.

*Failure to Establish 'Responsibility' of Transferred Side*

232. The theory of the reformed constitution is that Ministers, without being answerable for the reserved departments or for policy associated with the reserved side, are jointly responsible to the elected legislature in respect of the transferred half of Government. But it seems to us that it has proved impossible to translate this theory into practice. Difficulties in the sphere of law and order led at one time in the United Provinces to a quite definite swingback from the method of unified consultation, and the then Governor sought to make the practice regulating the taking of decisions by the dyarchic Government strictly confirm with the constitutional theory. But it is not clear that any greater success was obtained in this instance in establishing in the eyes of the public the principle of the responsibility of Ministers to the legislature.

The intention of dyarchy was to establish, within a certain definite range, responsibility to an elected legislature. If this intention is not carried out, the justification for the constitutional bifurcation and for all the complications which it brings in its train is difficult to find. In the light of experience, it may be doubted whether the object aimed at could be attained as long as both halves of Government have to present themselves before the same legislature. The practical difficulty in the way

of achieving the objective of dyarchy and of obtaining a clear demarcation of responsibility arises not so much in the inner counsels of Government as in the eyes of the legislature, the electorate, and the public.

233. Provincial legislatures were by the nature of the constitution set the difficult task of discharging two different functions at the same time. In one sphere, they were to exercise control over policy; in the other, while free to criticise and vote or withhold supply, they were to have no responsibility. The inherent difficulty of keeping this distinction in mind has been intensified by the circumstances under which the councils have worked to such an extent that perhaps the most important feature of the working of dyarchy in the provincial councils, when looked at from the constitutional aspect, is the marked tendency of the councils to regard the Government as a whole, to think of Ministers as on a footing not very different from that of Executive Councillors, to forget the extent of opportunities of the legislatures on the transferred side and to magnify their functions in the reserved field.

234. The Joint Select Committee's view of the relationship between Members and Ministers in the Legislature was as follows :

"Members of the executive council and Ministers should not oppose each other by speech or vote; members of the executive council should not be required to support by speech or vote proposals of ministers of which they do not approve, nor should ministers be required to support by speech or vote proposals of the executive council of which they do not approve; they should be free to speak and vote for each other's proposals when they are in agreement with them."

The temperature of Indian politics is seldom so tepid as to make such detachment practicable. Ministers who are not for the Government policy are naturally regarded as against it We learnt that in the fastness of Shillong it was possible for Ministers with considerable frequency to abstain from supporting the policy of the Governor in Council without untoward

results. This was rarely so elsewhere. Members and Ministers were in too great need of mutual support. It is true, nevertheless, that a few instances did occur (mainly in the United Provinces) of Members actually voting against Ministers and Ministers against Members.

*Difficulty Produced by Working of Dyarchy*

235. We have already mentioned the rarity of an assured elected majority in support of Ministers. The effect produced has been profound. It is largely psychological and deserves careful analysis. Ministers are seen to be, and feel themselves to be, largely dependent on the official bloc; they are necessarily in close relation with the reserved side of Government; and it has not infrequently happened that a Minister is subsequently appointed to be an Executive Councillor. All this helps to create a feeling that, when an elected member is appointed a Minister, he becomes a "Government man," and Ministers themselves have seldom altogether escaped the effect of the instinctive opposition which is aroused by their association with "Government," with the result that the ties between them and their supporters are weakened. It is far from being the case that the appointment of a leader of a group to ministerial office has increased his authority with his former followers.

There have also been reactions on the reserved side of Government. Ministers, who owe so much to the support of the official bloc, endeavour to obtain for the reserved side of Government the vote of elected members with whom they are specially associated, though they do not invariably succeed. It is, of course, important that this support should be given to the reserved side, for otherwise it may find itself in a minority, and the Governor in Council is naturally unwilling to invoke, save as a last resort, special powers of restoration and certification. But this situation involves the consequence that the reserved side of Government may be much influenced by Ministers and their following. Decisions to be reached by the Governor in Council are affected by calculations of the probable attitude of ministerial supporters. The stronger the follow-

ing of Ministers, the greater their influence on the reserved side, and the theoretical distinctions involved in the idea of dyarchy are likely to be blurred in practice. Thus the two halves of Government have been thrown into each other's arms through their relations with the legislature, no less than by the impossibility of conducting the administration in compartments. The resulting almost irresistible impulse towards a unification of Government has probably been all to the good from the point of view of the efficient conduct of business; but the underlying and fundamental conception of the dyarchic system—complete "responsibility" of Ministers in a certain defined field, and in that field only—has become almost hopelessly obscured.

It would, of course, be an exaggeration to say that there was no difference in the attitude of the councils towards Ministers and Executive Councillors. There has usually been distinctly less opposition to ministerial measures and to demands for grants on the transferred side, but this has probably been largely due to the nature of the subject assigned to each. The unpopular tasks of Government are left to be discharged by its official members. Police or land revenue administration are not subjects likely to arouse enthusiasm and often involve measures of great unpopularity; while for education, for health administration and for other departments in the hands of Ministers, to which the term 'nation building' is so frequently attached, there is a very real keenness.

*Use of Governor's Special Reports*

239....It is a striking fact that the only instance in which a Governor has found it necessary to secure the passage of a provincial Bill by certification is the Bengal Criminal Law Amendment Act.

On a few occasions a Governor has returned a Bill for further consideration with useful results, and there have been two or three instances of the use of the veto, but none of these occasions had any special constitutional significance.

The powers of restoration of rejected demands for reserved subjects have been fairly frequently used, with the notable exception of Bombay where the Government has always found it possible to accept the reductions made by the Legislature. In Burma, too, the power has only been used once. But in 1924-25 in the Central Provinces, as in Bengal, demands for grants were rejected wholesale, as part of the wrecking policy of the Swarajists, and had to be restored. Frequent, though not extensive, use of restoration has been necessitated elsewhere by the too common practice of rejecting a demand for a grant, instead of only moving a token reduction, as a means of attacking Government in connection with some particular branch of administration on the reserved side. Such attacks were undoubtedly often pressed home in a manner that the council would have hesitated to adopt if it had not known that the reserved powers could and would be used to prevent breakdown. But where 'cuts' were moved and carried for the purpose of securing economy, Government has frequently accepted the reduction.

Rejection of demands on the transferred side (which could not be restored) have been less frequent. When they have occurred, they seem to have been usually directed by a desire to effect economy. In Bengal in 1924-25 the Swarajists succeeded in carrying considerable "cuts" relating to staff in the education and medical departments; but the council subsequently voted supplementary demands, when it found that the staff had been placed under notice.

### *Conclusion*

242. The previous paragraphs of this chapter provide material for forming a judgment on the working of the provincial constitution, but a general conclusion on the subject is not easy to express. This is largely due to the fact that the same form of government has produced very different consequences in different parts of India—witness, for example, the chopping and and changing in Bengal, with ministerial salaries voted and no Ministers to earn them, and with the Governor driven to take

over transferred departments himself for months at a time, as contrasted with the steady record of Madras or the Punjab. But there are some general features to be summarised in bringing our survey to a close. Everywhere the conduct of the business of the legislature has been carried on with keenness, there has been much good debating, and the Government has been exposed to considerable challenge and comment from its opponents among the elected members. It would be impossible to say that opposition to Government has always shown itself to be restrained or reasonable, but we are convinced that much of this irresponsible spirit is due to those effects of dyarchy which we have described and analysed in paragraph 235 above. Moreover, members of legislative assemblies should have been engaged in working a copy of parliamentary institutions under conditions which often tend to reproduce the form rather than the substance of the original. It is much to the credit of many of India's public men that they should so rapidly have adapted themselves to these new methods, and we are strongly of opioion that the prominence which is given in the Press to proceedings in the Central Legislature have tended to obscure to British eyes the very general measure of success which has been attained by most of the provincial councils and their real importance. If the councils have sometimes shown themselves indifferent to the practical needs of administrative efficiency, they have also in many instances exerted a useful influence, and thrown an inforing light upon the proceedings of Government. The average voter, and still more the average citizen, does not, we believe, as yet pay close attention to the activities of his representatives. But interest is growing. In two provinces the Governor has often found it necessary to make extensive use of his exceptional powers; but apart from this the reformed provincial councils have actually worked, and they have worked better certainly than many anticipated at their inception, though not entirely in the manner in which the authors of dyarchy intended.

# THE WHITE PAPER :
# PROPOSALS FOR INDIAN CONSTITUTIONAL REFORM, 1933

(*Extracts*)

*The Federation of India*

6. Federation elsewhere has usually resulted from a pact entered into by a number of political units, each possessed of sovereignty or at least of autonomy, and each agreeing to surrender to the new central organism which their pact creates an identical range of powers and jurisdiction, to be exercised by it on their behalf to the same extent for each one of them individually and for the Federation as a whole. India, however, has little in common with historical precedents of this kind. In the first place, British India is a unitary State, the administrative control of which is by law centered in the Secretary of State;... and such powers as appertain to the Provincial Governments in India are derived through the Central Government by a species of delegation from this central authority and are exercised subject to his control. It follows that the Provinces have no original or independent powers or authority to surrender.

7. The States, on the other hand, though they are under the suzerainty of the King Emperor, form no part of His Majesty's dominions. Their contact with British India has hitherto been maintained by the conduct of relations with their Rulers through the Governor-General in Council. Moreover, since Parliament cannot legislate directly for their territories, the range of authority to be conferred upon the Federal Government and Legislature in relation to the States must be determined by agreement with their Rulers; and the States have made it plain that they are not prepared to transfer to a Federal Government the same range of authority in their territories as it is expedient and possible to confer upon it in relation to the Provinces. The position will therefore necessarily be that in the Indian Federation the range of powers to be exercised by the Federal

Government and Legislature will differ in relation to the two classes of units which compose it.

8. For the purpose of meeting thsse conditions, it is proposed to set up a Federal Legislature, consisting of elected representatives of British India and of representatives of Indian States to be appointed by their Rulers, and a Federal Executive consisting of the Governor-General representing the Crown, aided and advised by a Council of Ministers, who will be responsible (subject to the qualifications to be explained later) to the Legislature so composed, and to endow these authorities with powers and functions in relation to British India and with such powers and functions in relation to the State as the States-members of the Federation will formally accept as being of full force and members of effect within their territories. Full liberty will, of course, be reserved to the Crown to refuse to accept the accession of any State to the Federation if it is sought on terms incompatible with the scheme of Federation embodied in the Constitution Act.

9. On the repeal of the present Government of India Act all powers appertaining and incidental to the Government of British India will vest in the Crown ; and the transition from the existing constitutional position, briefly indicated above, will be effected by making them exercisable on behalf of the Crown by the Governor-General, the Governors, and other appropriate authorities established by or under the Constitution Act. The powers vested in the Crown in relation to the States, and now exercisable through the Governor-General of India in Council, except in so far as they are requisite for Federal purposes and the Rulers have assented to their transfer to the appropriate Federal authority for those purposes, will be exercised by the Crown's representative in his capacity of Viceroy, and these powers will be outside the scope of the Federal Constitution.

10. The office of Governor-General of the Federation will be constituted by Letters Patent, and that document will set out the powers which the Governor-General will exercise as the King's representative....

It is intended that the Viceroy shall in future be recognised as holding a separate office which will also be constituted by Letters Patent, and the latter will serve as the means of conferring on the Governor-General, in the capacity of Viceroy, the powers of the Crown in relation to the States outside the Federal sphere. With these the Constitution Act will not, of course, be concerned.

11. So far as British India is concerned, the first step requisite in the transfer from a unitary to a federal polity is to define by Statute the jurisdiction and competence of the Federal and Provincial authorities respectively—or, in other words, to create Provinces with an autonomy of their own, and to assign to them a defined and exclusive share of the activities of government. It is accordingly proposed to declare that the executive power and authority in each of the Governor's Provinces is vested in the King and is exercisable by the Governor as the King's representative; to constitute a Council of Ministers to aid and advise the Governor, and a Legislature of elected representatives of the provincial populations to whom the Ministers will be responsible; and to define the competence of this Legislature (and of the Federal Legislature) in terms of subjects, some of which will be exclusively assigned to the Federal and Provincial Legislatures respectively, while over others both Federal and Provincial Legislatures will exercise a concurrent jurisdiction, with appropriate provisions for resolving confflcts of laws.

12...Apart form the preparatory processes required in British India...the final discussions with the States with regard to their Instruments of Accession and the execution of the latter cannot be undertaken until the Act which will be the basis of the Princes' accession has been passed, for until that time arrives the States will not be in possession of complete knowledge of the character and powers of the Federation to which they are asked to accede. So far as the States are concerned. His Majesty's Government propose as the condition to be satisfied before the Federal Constitution is brought into operation that the Rulers of States representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats to be allotted to the States in the

Federal Upper Chamber shall have executed Instruments of Accession.

14. The executive power and authority of the Federation will be vested in the King and will be exercised by the Governor-General as his representative, aided and advised by a Council of Ministers responsible to a Legislature cantaining representatives both of British India and of the States...Certain Departments, namely, those concerned with Defence. External Affairs and Ecclesiastical administration, are to be entrusted to the Governor-General personally, and these matters he will control in responsibility to His Majesty's Government and Parliament. In the exercise, moreover, of certain specific powers to be conferred by the Constitution on the Governor-General, and to be expressed as being exercisable at his discretion, the Governor-General will be entitled to act without seeking advice from his Ministers. On other matters, Ministers will tender advice to the Governor-General and the Governor-General will be guided by that advice, unless so to be guided would in his judgement be inconsistent with the fulfilment of any of the purposes for which he will be declared by the Constitution Act to be charged with a 'special responsibility,' in which case the Governor-General will act, notwithstanding the advice tendered to him, in such manner as he deems requisite for the discharge of those special responsibilities.

15. For the purpose of assisting him in the administration of the Reserved Departments the Governor-General will be empowered to appoint at his discretion not more than three Counsellors.

16. The Federal Legislature will be bi-cameral, the two Chambers possessing identical powers, except that Money Bills and Votes of Supply will be initiated in the Lower Chamber, and that the range of the functions of the Upper Chamber in relation to Supply will be less extensive than those of the Lower Chamber....Equality of powers necessitates arrangements made for the solution of deadlocks;...

17. The Lower Chamber, or House of Assembly, of the Federal Legislature will consist of a maximum of 375 members,

of whom 125 will be appointed by the Rulers of States—members of the Federation...

18. The Upper Chamber, or Council of State, will consist of a maximum of 260 members, of whom 100 will be appointed by the Rulers of the States-members of the Federation....

23. ...His Majesty's Government...contemplate that the Instrument should contain a direction to the following effect : 'without derogation from youı responsibilities you shall encourage joint deliberation between yourself, your Counsellors and Ministers, and in particular you shall make it your endeavour to secure that the view of your Ministers in relation to Defence expenditure shall be ascertained and duly weighed before the appropriations for Defence are laid before the Legislature.' The Instrument of Instructions will also formally recognise the fact that the defence of India must, to an increasing extent, be the concern of the Indian people and not of the British Government alone...

25. It remains to indicate the matters or purposes in respect of which the Governor-General should he declared...to have a special responsibility in relation to the operations of the Federal Government. It is proposed that they should be the following :

(i) the prevention of grave menace to the peace or tranquillity of India or of any part of thereof ;

(ii) the safeguarding of the financial stability and credit of the Federation ;

(iii) the safeguarding of the legitimate interests of minorities;

(iv) the securing to the members of the Public Services of any rights provided for them by the Constitution and the safeguarding of their legitimate interests;

(v) the protection of the rights of any Indian State;

(vi) the prevention of commercial discrimination;

(vii) any matter which affects the administration of the Reserved Departments.

42. ...The intention is that the special powers of the Governor-General properly so described, namely, his power to obtain legislation and supply without the assent of the Legislature, will flow from the responsibilities specifically imposed upon him and be exercisable only for the purpose of enabling those responsibilities to be implemented. The responsibilities to be imposed on the Governor-General by the Constitution will be of two kinds -an exclusive responsibility for the administration of the Reserved Departments, and a 'special responsibility' for certain defined purposes outside the range of the Reserved Departments. On the administration of the Reserved Departments, Ministers will have no constitutional right to tender advice; nor will they have any such right to tender advice on the exercise of any powers conferred upon the Governor-General for use in his discretion. On all other matters Ministers will be constitutionally entitled to tender advice, and unless that advice is felt by the Governor-General to be in conflict with one of his special responsibilities he will be guided by it. If, in discharge of his responsibility for a Reserved Department, or of a special responsibility, the Governor-General decides that a legislative measure or a vote of supply to which the Legislature has not assented is essential, his special powers will enable him to secure the enactment of the measure or the provision of the supply in question, but Ministers will not have any constitutional responsibility for his decision.

43. ...in so far as the Governor-General and a Governor is not advised by Ministers, the general requirements of constitutional theory necessitate that he should be responsible to His Majesty's Government and Parliament for any action he may take and that the Constitution should make this position clear. In the case of a Governor the chain of responsibility must necessarily include the Governor-General.

44. The proposals indicated above have no reference to situa-

ation where a complete breakdown of the constitutional machinery has occurred. It is the intention of His Majesty's Government that the Constitution should contain separate provision to meet such situations, should they unfortunately occur either in a Province or in the Federation as a whole, whereby the Governor-General or the Governor, as the case may be, will be given plenary authority to assume all powers that he deems necessary for the purpose of carrying on the King's Government.

*The Governor's Provinces**

45. The eleven provinces will become autonomoue units, the government of each being administered by a Governor representing the King, aided and advised by a Council of Ministers responsible to the Legislature of the Province. The Council Ministers will be entitled to tender advice to the Governor in all matters which fall within the provincial sphere, other than the use of powers described by the Constitution Act as exercisable by the Governor at his discretion. The Governor will be guided by the advice tendered to him by Ministers, unless so to be guided would be, in his judgement, inconsistent with the fulfilment of any of the purposes for the fulfilment of which he will be declared by the Constitution Act to be charged with a 'special responsibility'; in which case the Governor will be entitled, and enjoined, to act, notwithstanding the advice tendered to him, in such manner as he deems requisite for the discharge of the special responsibilities.

49....The members of the Provincial Legislative Assemblies will be in all cases elected, and no official will be eligible for election. In three Provinces the Legislature will be 'bi-cameral. in the remainder it will consist of a single Chamber. But provision is made in the proposals...whereby, subject to restriction, an Upper Chamber where it exists may be abolished, or created where it does not exits. The powers of provincial Upper Chambers will not be co-extensive with those of the Lower Chamber.

*Madras, Bombay, Bengal, The United Provinces, The Punjab, Bihar, The Central Provinces, Assam, The North West Frontier, Province, Sind, Orissa.

### *Powers of Federal and Provincial Legislatures and Allocation of Revenues*

53. Folowing the practice of other Federal constitution, the respective legislative fields of the Centre and of the Provinces will be defined in terms of subjects which will be scheduled to the Constitution Act. But while it will be possible to assign to the Federation and to the Provinces respectively a number of matters over which they can appropriately be charged with exclusive legislative jurisdiction, examination has shown that this method cannot without inconvenience be so employed as to exhaust the entire field of potential governmental activity and there are same matters in respect of which, while some measure of uniformity of law may be necessary, variation of detail to meet the local conditions of the Provinces is no less necessary. It will consequently be necessary to schedule certain subjects whereon both Federal and Provincial Legislatures will enjoy concurrent powers.

Illustrative lists of the exclusively Federal, exclusively Provincial, and 'concurrent' subjects, which do not purport to be complete or final, are appended....

61. The introduction of any scheme of Federal Finance [allocating revenues between the Federation and the Units] is complicated by the existence of 'contributions' paid by certain Indian States to the Crown, and by 'immunities' which many of the States enjoy in respect of certain heads of prospective Federal Revenue as, for example, sea customs, salt, posts and telegraph...It is proposed that the Crown should transfer the contributions', so long as these are received, to Federal Revenues...It may be necessary to establish tribunal or other machinery for the purpose of determining the value of immunities (especially those subject to considerable fluctuation), where these have to be assessed from time to time for the purpose of setting them off against 'contributions' or against any payments accruing from the Federation.

*The Federal and Supreme Courts*

63. It is proposed that the Federal Court should have both an original and an appellate jurisdiction. Its original jurisdiction will be to determine justiciable disputes between the Federation and any Federal unit or between any two or more Federal units, involving the interpretation of the Constitution Act or any rights or obligations arising thereunder. Its appellate jurisdiction will extend to the determination of appeals from any High Courts or State Court on questions, between whomsoever they may arise, involving the interpretation of the Constitution Act or any rights or obligations arising thereunder. It is proposed that an appeal shall lie wtihout leave to the Judicial Committee of the Privy Council from a decision of the Federal Court in any matter involving the interpretation of the Constitution, and in any other case only by leave of the Federal Court, unless His Majesty in Council grants special leave to appeal....

65. The Federal Courts will consist of a Chief Justice and a specified number of Judges, who will be appointed by the Crown and will hold office during good behaviour...

66...Indian opinion is far from unanimous as to the necessity or at all events as to the immediate necessity for a Supreme Court of Appeal. The jurisdiction of such a Court, were it established, would necessarily be limited to British India, and its functions would be, within the limits assigned to it, to act as a final Court of Appeal in India from the decisions of the Provincial High Courts on matters other than those—mainly constitutional—which will fall within the jurisdiction of the Federal Court. With such a Court in existence there would be good reason for limiting the right of appeal from High Courts to the Judicial Committee of the Privy Council and thereby mitigating some of the grounds for dissatisfaction which arise from the delays, expense and inconveniences necessarily involved in the prosecution of appeals before so distant a tribunal...His Majesty's Government are of opinion that the right course is to

empower the Federal Legislature to set up such a court if and when there is sufficient unanimity of view on these and other questions to enable legislation for this purpose to be promoted...

*The Secretary of State's Advisers*

67. His Majesty's Government do not regard a Council of the kind which has been associated with the Secretary of State for India since the Crown took over the affairs of East India Company in 1858 as any longer necessary in, or appropriate to, the conditions of the new Constitution. They are satisfied, however, that the responsibilities of the Secretary of State will remain such as to make it imperative that he should have at his disposal a small body of carefully selected advisers to supplement the assistance which in common with other Ministers he will derive from the permanent staff of his Department.

69. As regards the Secretary of State's Councils, it is proposed to enable him to appoint not less than three nor more than six advisers (at least two of whom must have served the Crown in India for not less than ten years) to hold office for five years. The Secretary of State will be free to consult these advisers, either individually or collectively, as he may think fit. But he will be required not only to consult them, but to obtain the concurrence of a majority of them on the draft of any Rules regulating the Public Services in India, and in the disposal of any appeal to him permitted by the Constitution from any member of those Services.

*The Public Services*

71. All persons appointed by the Secretary of State in Council have certain important rights...

It is intended to safeguard these rights and to extend them to all persons appointed by the Secretary of State after the commencement of the Constitution Act...

72. Provision is made for continued recruitment by the Secretary of State to the Indian Civil Service, the Indian Police, and the Ecclesiastical Department.

*The Statutory Railway Board*

74. His Majesty's Government consider that it will be essential that, while the Federal Government and Legislature will necessarily exercise a general control over railway policy, the actual control of the administration of the State Railways in India (including those worked by Companies) should be placed by the Constitution Act in the hands of a Statutory Body, so composed and with such powers as will ensure that it is in a position to perform its duties upon business principles, and without being subject to political interference.

# 20

# GOVERNMENT OF INDIA ACT, 1935*
# (EXTRACTS)

## Part I

### Introductory

3 (1) The Governor-General of India is appointed by His Majesty by a Commission under the Royal Sign Manual and has—

(a) all such powers and duties as are conferred or imposed on him by or under this Act; and

(b) such other powers of His Majesty, not being powers connected with the exercise of the functions of the Crown in its relations with Indian States, as His Majesty may be pleased to assign to him.

(2) His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is appointed by His Majesty in like manner and has such powers and duties in connection with the exercise of those functions

*After the conclusion of the Round Table Conference (1932), the British Government issued a White Paper in March 1933 containing proposals for Constitutional Reforms in India. Its recommendations were endorsed by the Joint Parliamentary Committee and its Report was adopted. Based on such recommendations the Secretary of State for India (Sir Samuel Hoare) introduced a bill in the Parliament. It was passed in both the Houses and received royal assent on 4 August 1935. It should be noted that Parts II and VII of this Act could not be implemented, while the remaining parts came into effect on 1 April, 1937.

(not being powers or duties conferred or imposed by or under this Act on the Governor-General) as His Majesty may be pleased to assign to him.

(3) It shall be lawful for His Majesty to appoint one person to fill both the said offices.

## Part II

## The Federation of India

### Chapter I

### ESTABLISHMENT OF FEDERATION AND ACCESSION OF INDIAN STATES

5. (1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India'—

(a) the Provinces hereinafter called Governors' Provinces; and

(b) the Indian States which have acceded or may thereafter accede to the Federation;

and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

(2) The condition referred to is that States—

(a) the Rulers whereof will, in accordance with the provisions contained in Part II of the First Schedule to this Act, be entitled to choose not less than fifty-two members of the Council of State; and

(b) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at

least one-half of the total population of the States as so ascertained.

have acceded to the Federation.

6. (1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, whereby the Ruler for himself, his heirs and successors—

(a) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act; and

(b) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession :

Provided that an Instrument of Accession may be executed conditionally on the establishment of the Federation on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date.

(2) An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State, and the limitations, if any, to which the power of the Federal Legislature to make laws for his State, and the exercise of the executive authority of the Federation in his State, are respectively to be subject.

(3) A Ruler may by a supplementary Instrument executed by him and accepted by His Majesty, vary the Instrument of

Accession of his State by extending the functions which by virtue of that Instrument are exercisable by His Majesty or any Federal Authority in relation to his State.

(4) Nothing in this section shall be construed as requiring His Majesty to accept any Instrument of Accession or supplementary Instrument unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act:

Provided that after the establishment of the Federation, if any Instrument has in fact been accepted by His Majesty, the validity of that Instrument or of any of its provisions shall not be called in question and the provisions of this Act shall, in relation to the State, have effect subject to the provisions of this Act shall, in relation to the State, have effect subject to the provisions of the Instrument.

(5) It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal Authority in relation to the State.

(6) An Instrument of Accession or supplementary Instrument shall not be valid unless it is executed by the Ruler himself, but, subject as aforesaid, references in this Act to the Ruler of a State include references to any persons for the time being exercising the powers of the Ruler of the State whether by reason of the Ruler's minority or for any other reason.

(7) After the establishment of the Federation the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General, and after the expiration of twenty years from the establishment of the Federation the Governor-General shall not transmit to His Majesty any such request

until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.

* * *

## Chapter II

## THE FEDERAL EXECUTIVE

### *The Governor-General*

7. (1) Subject to the provisions of this Act, the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor-General any functions conferred by any existing Indian law on any court, judge or officer, or on any local or other authority.

* * *

8. (1) Subject to the provisions of this Act, the executive authority of the Federation extends :

(a) to the matters with respect to which the Federal Legislature has power to make laws;

(b) to the raising in British India on behalf of His Majesty of naval, military and air forces and to the governance of His Majesty's forces borne on the Indian establishment;

(c) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance or otherwise in and in relation to the tribal areas :

Provided that—

(i) the said authority does not, save as expressly provided in this Act, extend in any Province to matters with

respect to which the Provincial Legislature has power to make laws;

(ii) the said authority does not, save as expressly provided in this Act, extend in any Federated State save to matters with respect to which the Federal Legislature has power to make laws for that State, and the exercise thereof in each State shall be subject to such limitations, if any, as may be specified in the Instrument of Accession of the State;

(iii) the said authority does not extend to the enlistment or enrolment in any forces raised in India of any person unless he is either a subject of His Majesty or a native of India or of territories adjacent to India; and

(iv) commissions in any such force shall be granted by His Majesty save in so far as he may be pleased to delegate that power by virtue of the provisions of Part I of this Act or otherwise.

(2) The executive authority of the Ruler of a Federated State shall, notwithstanding anything in this section, continue to be exercisable in that State with respect to matters with respect to which the Federal Legislature has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a Federal law.

### *Administration of Federal Affairs*

9. (1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor-General in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

Provided that nothing in this sub-section shall be construed as preventing the Governor-General from exercising his individual judgement in any case whereby or under this Act he

is required so to do.

(2) The Governor-General in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgement, the decision of the Governor-General in his discretion shall be final, and the validity of anything done by the Governor-General shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgement.

10. (1) The Governor-General's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of either Chamber of the Federal Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Federal Legislature may from time to time by Act determine and, until the Federal Legislature so determine, shall be determined by the Governor-General :

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any and, if so, what advice was tendered by ministers to the Governor-General shall not be inquired into in any court.

(5) The functions of the Governor-General with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

11. (1) The functions of the Governor-General with

respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to the tribal areas shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor-General may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

12. (1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say—

(a) the prevention of any grave menace to the peace or tranquillity of India or any part thereof;

(b) the safeguarding of the financial stability and credit of the Federal Government;

(c) the safeguarding of the legitimate interests of minorities;

(d) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests;

(e) the securing in the sphere of executive action of the purposes which the provisions of Chapter III of Part V of this Act are designed to secure in relation to legislation;

(f) the prevention of action which would subject goods of United Kingdom or Burmese origin imported into India to discriminatory or penal treatment;

(g) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and

(h) the securing that the due discharge of his functions with respect to matters with respect to which he is by or

under this Act required to act in his discretion, or to exercise his individual judgement, is not prejudiced or impeded by any course of action taken with respect to any other matter.

(2) If and in so far as any special responsibility of the Governor-General is involved, he shall in the exercise of his functions exercise his individual judgement as to the action to be taken.

13. (1) The Secretary of State shall lay before Parliament the draft of any Instrument of Instructions (including any Instrument amending or revoking an Instrument previously issued) which it is proposed to recommend His Majesty to issue to the Governor-General, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instrument may be issued.

(2) The validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

14. (1) In so far as the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgement, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by the Secretary of State, but the validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section the Secretary of State shall satisfy himself that nothing in the directions requires the Governor-General to act in any manner inconsistent with any Instrument of Instructions issued to him by His Majesty.

15. (1) The Governor-General may appoint a person to be his financial adviser.

(2) It shall be the duty of the Governor-General's financial adviser to assist by his advice the Governor-General in the discharge of his special responsibility for safeguarding the financial stability and credit of the Federal Government, and also to give advice to the Federal Government upon any matter relating to finance with respect to which he may be consulted.

(3) The Governor-General's financial adviser shall hold office during the pleasure of the Governor-General, and the salary and allowances of the financial adviser and the members of his staff and their conditions of service shall be such as the Governor General may determine.

(4) The powers of the Governor-General with respect to the appointment and dismissal of a financial adviser, and with respect to the determination of his salary and allowances and the members of his staff and their conditions of service, shall be exercised by him in his discretion:

Provided that, if the Governor-General has determined to appoint a financial adviser, he shall, before making any appointment other than the first appointment, consult his ministers as to the person to be selected.

* * *

## Chapter III

## THE FEDERAL LEGISLATURE

### *General*

18. (1) There shall be a Federal Legislature which shall consist of His Majesty, represented by the Governor-General, and two Chambers, to be known respectively as the Council of State and the House of Assembly (in this Act referred to as "the Federal Assembly").

(2) The Council of State shall consist of one hundred and fifty-six representatives of British India and not more than one hundred and four representatives of the Indian States, and the Federal Assembly shall consist of two hundred and

fifty representatives of British India and not more than one hundred and twenty-five representatives of the Indian States.

* * *

(4) The Council of State shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provisions in that behalf contained in the said First Schedule.

(5) Every Federal Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

* * *

*Procedure in Financial Matters*

33. (1) The Governor-General shall in respect of every financial year cause to be laid before both Chambers of the Federal Legislature a statement of the estimated receipts and expenditure of the Federation for that year, in this Part of this Act referred to as the "annual financial statement".

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Federation; and

(b) the sums required to meet other expenditure proposed to be made from the revenue of the Federation,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor-General has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of the Federation :

(a) the salary and allowances of the Governor-General and other expenditure relating to his office for which provision is required to be made by Order in Council;

(b) debt charges for which the Federation is liable, including interest, sinking fund charges und redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(c) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the advocate-general, of chief commissioners, and of the staff of the financial adviser;

(d) the salaries, allowances, and pensions payable to or in respect of judges of the Federal Court, and the pensions payable to or in respect of judges of any High Court:

(e) expenditure for the purpose of the discharge by the Governor-General of his functions with respect to defence and ecclesiastical affairs, his functions with respect to external affairs in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to tribal areas, and his functions in relation to the administration of any territory in the direction and control of which he is under this Act required to act in his discretion . . .

(f) the sums payable to His Majesty under this Act out of the revenues of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States;

(g) any grants for purposes connected with the administration of any areas in a Province which are for the time being excluded areas;

(h) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(i) any other expenditure declared by this Act or any Act of the Federal Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Federation shall be decided by the Governor-General in his discretion.

34. (1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the Federation shall not be submitted to the vote of the Legislature, but nothing in this sub-section shall be construed as preventing the discussion in either Chamber of the Legislature of any of those estimates other than estimates relating to expenditure referred to in paragraph (*a*) or paragraph (*f*) of subsection (3) of the last preceding sectiod.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Federal Assembly and thereafter to the Council of State, and either Chamber shall have power to assent or to refuse assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein :

* * *

(4) No demand for a grant shall be made except on the recommendation of the Governor-General.

35. (1) . . . if the Chambers have not assented to any demand for a grant or have assented subject to a reduction of the amount specified therein, the Governor-General may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

## Chapter IV

## LEGISLATIVE POWERS OF GOVERNOR-GENERAL

42. (1) If at any time when the Federal Legislature is not in session the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor-General—

(a) shall exercise his individual judgement as respects the promulgation of any ordinance under this section if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature; and

(b) shall not, without instructions from His Majesty, promulgate any such ordinance if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure thereon.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such ordinance—

(a) shall be laid before the Federal Legislature and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or, if before the expiration of that period resolutions disapproving it are passed by both Chambers, upon the passing of the second of those resolutions;

(b) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General; and

(c) may be withdrawn at any time by the Governor-General.

(3) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

43. (1) If at any time the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgement he may promulgate such ordinances as in his opinion the circumstances of the case require.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such ordinance—

(a) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General;

(b) may be withdrawn at any time by the Governor-General; and

(c) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

44. (1) If at any time it appears to the Governor-General that, for the purpose of enabling him satisfactorily to discharge

his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgement, it is essential that provision should be made by legislation, he may by message to both Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

(a) enact forthwith, as a Governor-General's Act, a Bill containing such provisions as he considers necessary; or

(b) attach to his message a draft to the Bill which he considers necessary.

(2) Where the Governor-General takes such action as is mentioned in paragraph (b) of the preceding sub-section, he may at any time after the expiration of one month enact, as a Governor General's Act, the Bill proposed by him to the Chambers either in the form of the draft communicated to them or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by either Chamber with reference to the Bill or to amendments suggested to be made therein.

(3) A Governor-General's Act shall have the same force and effect, and shall be subject to dis-allowance in the same manner, as an Act of the Federal Legislature assented to by the Governor-General and, if and in so far as a Governor-General's Act makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(4) Every Governor-General's Act shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

## Chapter V

## PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY

45. (1) If at any time the Governor-General is satisfied that a situation has arisen in which the government of the Federation cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

(a) declare that his functions shall to such extent as may be specified in the Proclamation be exercised by him in his discretion,

(b) assume to himself all or any of the powers vested in or exercisable by any Federal body or authority,

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Federal body or authority :

Provided that nothing in this sub-section shall authorise the Governor-General to assume to himself any of the powers vested in or exercisable by the Federal Court or to suspend, either in whole or in part, the operation of any provision of this Act relating to the Federal Court.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation issued under this section—

(a) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(b) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months :

provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this sub-section it would otherwise have ceased to operate.

(4) If at any time the government of the Federation has for a continuous period of three years been carried on under and by virtue of a Proclamation issued under this section, then, at the expiration of that period, the Proclamation shall cease to have effect and the government of the Federation shall be carried on in accordance with the other provisions of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but nothing in this sub-section shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.

(5) If the Governor-General, by a Proclamation under this section, assumes to himself any power of the Federal Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Federal Acts, Federal laws, or Acts or laws of the Federal Legislature shall be construed as including a reference to such a law.

(6) The functions of the Governor-General under this section shall be exercised by him in his discretion.

## Part III

## The Governors' Provinces*

## Chapter II

## THE PROVINCIAL EXECUTIVE

### *The Governor*

48. (1) The Governor of a Province is appointed by His Majesty by a Commission under the Royal Sign Manual.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

49. (1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Act, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.

### *Administration of Provincial Affairs*

50. (1) There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

*Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the N.W.F.P., Orissa, and Sind:

Provided that nothing in this sub-section shall be construed as preventing the Governor from exercising his individual judgment in any case where by or under this Act he required so to do.

(2) The Governor in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgement, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgement.

51. (1) The Governor's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor :

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any, and if so what, advice was tendered by ministers to the Governor shall not be inquired into in any court.

(5) The functions of the Governor under this section with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

51. (1) In the exercise of his functions the Governor shall have the following special responsibilities, that is to say

(a) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(b) the safeguarding of the legitimate interests of minorities;

(c) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;

(d) the securing in the sphere of executive action of the purposes which the provisions of Chapter III of Part V of this Act are designed to secure in relation to legislation;

(e) the securing of the peace and good government of areas which by or under the provisions of this Part of this Act are declared to be partially excluded areas;

(f) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and

(g) the securing of the execution of orders or directions lawfully issued to him under Part VI of this Act by the Governor-General in his discretion.

(2) The Governor of the Central Provinces and Berar shall also have the special responsibility of securing that a reasonable share of the revenues of the Province is expended in or for the benefit of Berar, the Governor of any Province which includes an excluded area shall also have the special responsibility of securing that the discharge of his functions in respect of excluded areas is not prejudiced or impeded by any course of action taken with respect to any other matter, any Governor who is discharging any functions as agent for the Governor-General shall also have the special responsibility of securing that the due discharge of those functions is not

prejudiced or impeded by any course of action taken with respect to any other matter, and the Governor of Sind shall also have the special responsibility of securing the proper administration of the Lloyd Barrage and Canals Scheme.

(3) If and in so far as any special responsibility of the Governor is involved, he snall, in the exercise of his functions, exercise his individual judgement as to the action to be taken.

53. (1) The Secretary of State shall lay before Parliament the draft of any Instructions (including any Instructions amending or revoking Instructions previously issued) which it is proposed to recommend His Majesty to issue to the Governor of a Province, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instructions may be issued.

(2) The validity of anything done by the Governor of a Province shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

54. (1) In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgement, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Governor-General in his discretion, but the validity of anything done by a Gove-nor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this action.

(2) Before giving any directions under this section, the Governor-General shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to the Governor by His Majesty.

56. Where it is proposed that the Governor of a Province

should by virtue of any powers vested in him make or amend, or approve the making or amendment of, any rules, regulations or orders relating to any police force, whether civil or military, he shall exercise his individual judgement with respect to the proposal, unless it appears to him that the proposal does not relate in affect the organisation or discipline of that force.

57. (1) If it appears to the Governor of a Province that the peace or tranquillity of the Province is endangered by the operations of any persons committing, or conspiring, preparing or attempting to commit crimes of violence which, in the opinion of the Governor, are intended to overthrow the Government as by law established, the Governor may, if he thinks that the circumstances of the case require him so to do for the purpose of combating these operations, direct that his functions shall, to such extent as may be specified in the direction, be exercised by him in his discretion and, until otherwise provided by a subsequent direction of the Governor, those functions shall to that extent be exercised by him accordingly.

(2) While any such direction is in force, the Governor may authorise an official to speak in and otherwise take part in the proceedings of the Legislature, and any official so authorised may speak and take part accordingly in the proceedings of the Chamber or Chambers of the Legislature, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member by the Governor, but shall not be entitled to vote.

(3) The functions of the Governor under this section shall be exercised by him in his discretion.

(4) Nothing in this section affects the special responsibility of the Governor for the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof.

58. The Governor in his discretion shall make rules for securing that no records or information relating to the sources from which information has been or may be obtained with

respect to the operations of persons committing, or conspiring, preparing, or attempting to commit, such crimes as are mentioned in the last preceding section, shall be disclosed or given—

(a) by any member of any police force in the Province to another member of that force except in accordance with directions of the Inspector-General of Police or Commissioner of Police, as the case may be, or to any other person except in accordance with directions of the Governor in his discretion; or

(b) by any other person in the service of the Crown in the Province to any person except in accordance with directions of the Governor in his discretion.

59. (1) All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Provincial Government, and for the allocation among ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor all such information with respect to the business of the Provincial Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor, and the appropriate secretary to bring to the notice

(3) Every Legislative Council shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provision in that behalf made in relation to the Province under the said Fifth Schedule.

* * *

Chapter IV

LEGISLATIVE POWERS OF GOVERNOR

88. (1) If at any time when the Legislature of a Province is not in session the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require :

Provided that the Governor—

(a) shall exercise his individual judgement as respects the promulgation of any ordinance under this section, if a Bill containing the same provisions would under this Act have required his or the Governor-General's previous sanction to the introduction thereof into the Legislature; and

(b) shall not without instructions from the Governor-General, acting in his discretion, promulgate any such ordinance, if a Bill containing the same provisions would under this Act have required the Governor-General's previous sanction for the introduction thereof into the Legislature, or if he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the Governor-General.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

(a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the re-

assembly of the Legislature, or if a resolution disapproving it is passed by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council;

(b) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Provincial Legislature assented to by the Governor; and

(c) may be withdrawn at any time by the Governor;

(3) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Provincial Legislature assented to by the Governor, it shall be void.

89. (1) If at any time the Governor of a Province is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgement, he may promulgate such ordinances as in his opinion the circumstances of the case require.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

(a) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Provincial Legislature;

(b) may be withdrawn at any time by the Governor; and

(c) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith through the Governor-General to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Provincial Legislature, it shall be void :

Provided that for the purposes of the provisions of this Act relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature, an ordinance promulgated under this section shall be deemed to be an Act of the Provincial Legislature which has been reserved for the consideration of the Governor-General and assented to by him.

(5) The functions of the Governor under this section shall be exercised by him in his discretion but he shall not exercise any of his powers thereunder except with the concurrence of the Governor-General in his discretion :

Provided that, if it appears to the Governor that it is impracticable to obtain in time the concurrence of the Governor-General, he may promulgate an ordinance without the concurrence of the Governor-General, but in that case the Governor-General in his discretion may direct the Governor to withdraw the ordinance and the ordinance shall be withdrawn accordingly.

90. (1) If at any time it appears to the Governor that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgement, it is essential that provision should be made by legislation, he may by message to the Chamber or Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

(a) enact forthwith as a Governor's Act a Bill containing such provisions as he considers necessary; or

(b) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor takes such action as is mentioned in paragraph (b) of the preceding sub-section, he may at any time after the expiration of one month, enact, as a Governor's Act, the Bill proposed by him to the Chamber or Chambers either in the form of the draft communicated to them or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by the Chamber or either of the Chambers with reference to the Bill or to amendments suggested to be made therein.

(3) A Governor's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an Act of the Provincial Legislature assented to by the Governor and, if and so far as it makes any provision which would not be valid if enacted in an Act of that Legislature, shall be void :

Provided that, for the purposes of the provisions of this Act relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature, a Governor's Act shall be deemed to be an Act reserved for the consideration of the Governor-General and assented to by him.

(4) Every Governor's Act shall be communicated forthwith through the Governor-General to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor under this section shall be exercised by him in his discretion, but he shall not exercise any of his powers thereunder except with the concurrence of the Governor-General in his discretion.

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## Chapter VI

## PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY

93. (1) If at any time the Governor of a Province is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

(a) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;

(b) assume to himself all or any of the powers vested in or exercisable by any Provincial body or authority;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Provincial body or authority :

Provided that nothing in this sub-section shall authorise the Governor to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any provision of this Act relating to High Courts.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this section—

(a) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(b) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months :

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this sub-section it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

(4) If the Governor, by a Proclamation under this section, assumes to himself any power of the Provincial Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Provincial Acts, Provincial laws, or Acts or laws of a Provincial Legislature shall be construed as including reference to such a law.

(5) The functions of the Governor under this section shall be exercised by him in his discretion and no Proclamation shall be made by a Governor under this section without the concurrence of the Governor-General in his discretion.

## Part V

## Legislative Powers

## Chapter I

## DISTRIBUTION OF POWERS

99. (1) Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federated State, and a Provincial Legislature may make laws for the Province or for any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding sub-section, no Federal law shall, on the ground that it would have extra-territorial operation, be

deemed to be invalid in so far as it applies—

(a) to British subjects and servants of the Crown in any part of India; or

(b) to British subjects who are domiciled in any part of India wherever they may be; or

(c) to, or to persons on, ships or aircraft registered in British India or any Federal State wherever they may be; or

(d) in the case of a law with respect to a matter accepted in the Instrument of Accession of a Federated State as a matter with respect to which the Federal Legislature may make laws for that State, to subjects of that State wherever they may be; or

(e) in the case of a law for the regulation or discipline of any naval, military, or air force raised in British India, to members of, and persons attached to, employed with or following, that force, wherever they may be.

100. (1) Notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the "Federal Legislative List").

(2) Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the "Concurrent Legislative List").

(3) Subject to the two preceding sub-sections the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the "Provincial Legislative List").

(4) The Federal Legislature has power to make laws with

respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof.

101. Nothing in this Act shall be construed as empowering the Federal Legislature to make laws for a Federated State otherwise than in accordance with the Instrument of Accession of that State and any limitations contained therein.

102. (1) Notwithstanding anything in the preceding sections of this chapter, the Federal Legislature shall, if the Governor-General has in his discretion declared by Proclamation (in this Act referred to as a "Proclamation of Emergency") that a grave emergency exists whereby the security of India is threatened, whether by war or internal disturbance, have power to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List :

Provided that no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

(2) Nothing in this section shall restrict the power of a Provincial Legislature to make any law which under this Act it has power to make, but if any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature has under this section power to make, the Federal law, whether passed before or after the Provincial law, shall prevail, and the Provincial law shall to the extent of the repugnancy, but so long only as the Federal law continues to have effect, be void.

(3) A Proclamation of Emergency—

(a) may be revoked by a subsequent Proclamation;

(b) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parlia-

ment; and

(c) shall cease to operate at the expiration of six months, unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

(4) A law made by the Federal Legislature which that Legislature would not but for the issue of a Proclamation of Emergency have been competent to make, shall cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

103. If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature, to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.

104. (1) The Governor-General may by public notification empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act, including a law imposing a tax not mentioned in any such list, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the Governor-General otherwise directs.

(2) In the discharge of his functions under this section the Governor-General shall act in his discretion.

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## Chapter II

## RESTRICTIONS ON LEGISLATIVE POWERS

108. (1) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

(a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India; or

(b) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor-General or a Governor; or

(c) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion; or

(d) repeals, amends or affects any Act relating to any police force; or

(e) affects the procedure for criminal proceedings in which European British subjects are concerned; or

(f) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein; or

(g) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

(a) repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India; or

(b) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or

(c) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion; or

(d) affects the procedure for criminal proceedings in which European British subjects are concerned;

and unless the Governor of the Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—

(i) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or

(ii) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment.

110. Nothing in this Act shall be taken—

(a) to affect the power of Parliament to legislate for British India, or any part thereof; or

(b) to empower the Federal Legislature, or any Provincial Legislature—

(i) to make any law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts; or

(ii) except in so far as is expressly permitted by any sub-

sequent provisions of this Act, to make any law amending any provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgement; or

(iii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law derogating from any prerogative right of His Majesty to grant special leave to appeal from any court.

* * *

## Part VI

## Administrative Relations between Federation, Provinces and States

*General*

122. (1) The executive authority of every Province and Federated State shall be so exercised as to secure respect for the Federal Legislature which apply in that Province or State.

* * *

(3) Without prejudice to any of the other provisions of this Part of this Act, in the exercise of the executive authority of the Federation in any Province or Federated State regard shall be had to the interests of that Province or State.

123. (1) The Governor-General may direct the Governor of any Province to discharge as his agent, either generally or in any particular case, such functions in and in relation to the tribal areas as may be specified in the direction.

(2) If in any particular case it appears to the Governor-General necessary or convenient so to do, he may direct the Governor of any Province to discharge as his agent such functions in relation to defence, external affairs, or ecclesiastical affairs as may be specified in the direction.

(3) In the discharge of any such functions the Governor shall act in his discretion.

* * *

125. (1) Notwithstanding anything in this Act, agreements may, and, if provision has been made in that behalf by the Instrument of Accession of the State, shall, be made between the Governor-General and the Ruler of a Federated State for the exercise by the Ruler or his officers of functions in relation to the administration in his State of any Law of the Federal Legislature which applies therein.

(2) An agreement made under this section shall contain provisions enabling the Governor-General in his discretion to satisfy himself, by inspection or otherwise, that the administration of the law to which the agreement relates is carried out in accordance with the policy of the Federal Government and, if he is not so satisfied, the Governor-General, acting in his discretion, may issue such directions to the Ruler as he thinks fit.

(3) All courts shall take judicial notice of any agreement made under this section.

126. (1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.

(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II of the Concurrent Legislative List and authorises the giving of such directions :

Provided that a Bill or amendment which proposes to authorise the giving of any such directions as aforesaid shall not be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) The executive authority of the Federation shall also

extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of military importance :

Provided that nothing in this sub-section shall be taken as restricting the power of the Federation to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

(4) If it appears to the Governor-General that in any Province effect has not been given to any directions given under this section, the Governor-General, acting in his discretion, may issue as orders to the Governor of that Province, either the directions previously given or those directions modified in such manner as the Governor-General thinks proper.

(5) Without prejudice to his powers under the last preceding sub-section, the Governor-General, acting in his discretion, may at any time issue orders to the Governor of a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquillity of India or of any part thereof.

128. (1) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation so far as it is exercisable in the State by virtue of a law of the Federal Legislature which applies therein.

(2) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding sub-section, the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler issue such directions to the Ruler as he thinks fit :

Provided that, if any question arises under this section as

to whether the executive authority of the Federation is exercisable in a State with respect to any matter or as to the extent to which it is so exercisable, the question may, at the instance either of the Federation or the Ruler, be referred to the Federal Court for determination by that Court in the exercise of its original jurisdiction under this Act.

* * *

## Part VIII

## The Federal Railway Authority

181. (1) The executive authority of the Federation in respect of the regulation and the construction, maintenance and operation of railways shall be exercised by a Federal Railway Authority (hereinafter referred to as "the Authority")

182. (1) Not less than three-sevenths of the members of the Authority shall be persons appointed by the Governor-General in his discretion, and the Governor-General shall in his discretion appoint a member of the Authority to be the President thereof.

* * *

184. (1) The Governor-General exercising his individual judgment, but after consultation with the Authority, may make rules for the more convenient transaction of business arising out of the relations between the Federal Government and the Authority.

* * *

## Part IX

## The Judicature

### Chapter I

### THE FEDERAL COURT

200. (1) There shall be a Federal Court consisting of the Chief Justice of India and such number of other Judges as His Majesty may deem necessary . . .

(2) Every Judge of the Federal Court shall be appointed by His Majesty . . . and shall hold office until he attains the age of sixty-five years :

Provided that—

(a) a judge may . . . resign his office;

(b) a judge may be removed from his office by His Majesty . . . on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.

* * *

204. (1) Subject to the provisions of this Act, the Federal Court shall, to the exclusion of any other court, have an original jurisdiction in any dispute between any two or more of the following parties, that is to say, the Federation, any of the Provinces or any of the Federated States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:

Provided that the said jurisdiction shall not extend to—

(a) a dispute to which a State is a party, unless the dispute—

(i) concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State; or

(ii) arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature, or otherwise concerns some matter with respect to which the Federal Legislature has power to make laws for that State; or

(iii) arises under an agreement made after the establishment of the Federation, with the approval of His Majesty's Representative for the exercise of the functions of the Crown

it its relations with Indian States, between that State and the Federation or a Province, being an agreement which expressly provides that the said jurisdiction shall extend to such a dispute;

(b) a dispute arising under any argeement which expressly provides that the said jurisdiction shall not extend to such a dispute.

(2) The Federal Court in the exercise of its original jurisdiction shall not pronounce any judgement other than a declaratory judgement.

205. (1) An appeal shall lie to the Federal Court from any judgement, decree or final order of a High Court in British India, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Act or any Order in Council made thereunder, and it shall be the duty of every High Court in British India to consider in every case whether or not any such question is involved and of its own motion to give or to withhold a certificate accordingly.

(2) Where such a certificate is given, any party in the case may appeal to the Federal Court on the ground that any such question as aforesaid has been wrongly decided, and on any ground on which that party could have appealed without special leave to His Majesty in Council if no such certificate had been given, and, with the leave of the Federal Court, on any other ground, and no direct appeal shall lie to His Majesty in Council, either with or without special leave.

206. (1) The Federal Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgement, decree or final order of a High Court in British India without any such certificate as aforesaid . . .

* * *

207. (1) An appeal shall lie to the Federal Court from a High Court in a Federated State on the ground that a

question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of an Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State, or arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature.

(2) An appeal under this section shall be by way of special case to be stated for the opinion of the Federal Court by the High Court, and the Federal Court may return any case so stated in order that further facts may be stated therein.

208. An appeal may be brought to His Majesty in Council from a decision of the Federal Court—

(a) from any judgement of the Federal Court given in the exercise of its original juridiction in any dispute which concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of any State, or arises under an agreement made under Part VI of this Act in relation to the administration in any State of a law of the Federal Legislature without leave; and

(b) in any other case, by leave of the Federal Court or of His Majesty in Council.

213. (1) If at any time it appears to the Governor-General that a question of law has arisen, or is likely to arise, which is of such a nature and of such puplic importance that it is expedient to obtain the opinion of the Federal Court upon it, he may in his discretion refer the question to that court for consideration, and the court may, after such hearing as they think fit, report to the Governor-General thereon.

(2) No report shall be made under this section save in

accordance with an opinion delivered in open court with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this sub-section shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

* * *

## Part X

### The Service of the Crown in India

* * *

247. (1) The conditions of service of all persons appointed to a civil service or a civil post by the Secretary of State shall—

(a) as respects pay, leave and pensions, and general rights in regard to medical attendance, be such as may be prescribed by rules to be made by the Secretary of State;

(b) as respects other matters with respect to which express provision is not made by this chapter, be such as may be prescribed by rules to be made by the Secretary of State in so far as he thinks fit to make such rules, and, in so far and so long as provision is not made by such rules, by rules to be made, as respects persons serving in connection with the affairs of the Federation, by the Governor-General or some person or persons authorized by the Governor-General to make rules for the purpose and, as respects persons serving in connection with the affairs of a Province, by the Governor of the Province or some person or persons authorised by the Governor to make rules for the purpose :

Provided that no rule made under this sub-section shall have effect so as to give to any person appointed to a civil service or civil post by the Secretary of State less favourable terms as respects remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post.

(2) Any promotion of any person appointed to a civil

service or a civil post by the Secretary of State or any order relating to leave of not less than three months of any such person, or any order suspending any such person from office shall, if he is serving in connection with the affairs of the Federation, be made by the Governor-General exercising his individual judgement and, if he is serving in connection with the affairs of a Province, be made by the Governor exercising his individual judgement.

(3) If any such person as aforesaid is suspended from office, his remuneration shall not during the period of his suspension be reduced except to such extent, if any, as may be directed by the Governor-General exercising his individual judgement or, as the case may be, by the Governor exercising his individual judgement.

(4) The salary and allowances of any such person as aforesaid shall, if he is serving in connection with the affairs of the Federation, be charged on the revenues of the Federation and, if he is serving in connection with the affairs of a Province, be charged on the revenues of the Province :

Provided that, if any such person is serving in connection with the railways in India, so much only of his salary and allowances shall be charged on the revenues of the Federation as is not paid out of the Railway Fund.

(5) Pensions payable to or in respect of any such person as aforesaid, and Government contributions in respect of any such person to any pension fund or provident fund, shall be charged on the revenues of the Federation.

(6) No award of a pension less than the maximum pension allowable under rules made under this section shall be made, except in each case with the consent of the Secretary of State.

(7) No rules made under this section shall be construed to limit or abridge the power of the Secretary of State to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable, and no rules made under this section by

any person other than the Secretary of State shall be construed to limit or abridge the power of the Governor-General or, as the case may be, the Governor of a Province to deal with the case of any such person in such manner as may appear to him to be just and equitable :

Provided that, where any rule made under this section is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule.

248. (1) If any person appointed to a civil service or a civil post by the Secretary of State is aggrieved by an order affecting his conditions of service and on due application to the person by whom the order was made does not receive the redress to which he considers himself entitled, he may, without prejudice to any other mode of obtaining redress, complain, if he is serving in connection with the affairs of the Federation, to the Governor-General and, if he is serving in connection with the affairs of the Federation, to the Governor-General and, if he is serving in connection with the affairs of a Province, to the Governor of the Province, and the Governor-General or Governor, as the case may be, shall examine into the complaint and cause such action to be taken thereon as appears to him exercising his individual judgement to be just and equitable.

(2) No order which punishes or formally censures any such person as aforesaid, or affects adversely his emoluments or rights in respect of pension, or decides adversely to him the subject-matter of any memorial, shall be made except, if he is serving in connection with the affairs of the Federation, by the Governor-General, exercising his individual judgement, or, if he is serving in connection with the affairs of a Province, by the Governor of that Province, exercising his individual judgement.

(3) Any person appointed to a civil service or a civil post by the Secretary of State may appeal to the Secretary of State against any order made by any authority in India which puni-

shes or formally censures him, or alters or interprets to his disadvantage any rule by which his conditions of service are regulated.

(4) Any sums ordered to be paid out of the revenues of the Federation or a Province to or in respect of any such person as aforesaid on an appeal made under this section shall be charged on those revenues.

249. (1) If by reason of anything done under this Act the conditions of service of any person appointed to a civil service or a civil post by the Secretary of State have been adversely affected, or if for any other reason it appears to the Secretary of State that compensation ought to be granted to, or in respect of, any such person, he or his representatives shall be entitled to receive from the revenues of the Federation, or if the Secretary of State so directs, from the revenues of a Province, such compensation as the Secretary of State may consider just and equitable.

(2) Any sum payable under this section from the revenues of the Federation or the revenues of a Province shall be charged on the revenues of the Federation or, as the case may be, that Province.

(3) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section in no way prohibit expenditure by the Governor-General, or, as the case may be, the Governor, from the revenues of the Federation or a Province by way of compensation to persons who are serving or have served His Majesty in India in cases to which those provisions do not apply.

* * *

## Part XI

### The Secretary of State, His Advisers and His Department

278. (1) There shall be a body of persons appointed by the Secretary of State, not being less than three not more

than six in number, as the Secretary of State may from time to time determine, whose duty it shall be to advise the Secretary of State on any matter relating to India on which he may desire their advice.

(2) One-half at least of the persons for the time being holding office under this section as Advisers of the Secretary of State shall be persons who have held office for at least ten years under the Crown in India and have not last ceased to perform in India official duties under the Crown more than two years before the date of their respective appointments as Advisers under this section.

(3) Any person appointed as an Adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that—

(a) any person so appointed may by writing under his hand resign his office to the Secretary of State;

(b) the Secretary of State may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(4) A person for the time being holding office as Adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

(5) There shall be paid out of moneys provided by Parliament to each of the Advisers of the Secretary of State a salary of thirteen hundred and fifty pounds a year, and also to any of them who at the date of his appointment was domiciled in India a subsistence allowance of six hundred pounds a year.

(6) Except as otherwise expressly provided in this Act, it shall be in the discretion of the Secretary of State whether or not he consults with his Advisers on any matter, and, if so, whether he consults with them collectively or with one or

more of them individually, and whether or not he acts in accordance with any advice given to him by them.

(7) Any provision of this Act which requires that the Secretary of State shall obtain the concurrence of his Advisers shall be deemed to be satisfied if at a meeting of his Advisers he obtains the concurrence of at least one-half of those present at the meeting, or if such notice and opportunity for objection as may be prescribed has been given to those Advisers and none of them has required that a meeting shall be held for discussion of the matter.

In this sub-section "prescribed" means prescribed by rules of business made by the Secretary of State after obtaining at a meeting of his Advisers the concurrence of at least one-half of those present at the meeting.

(8) The Council of India as existing immediately before the commencement of Part III of this Act shall be dissolved.

* * *

## Part XII

### Miscellaneous And General

*The Crown and the Indian States*

285. Subject in the case of a Federated State to the provisions of the Instrument of Accession of that State, nothing in this Act affects the rights and obligations of the Crown in relation to any Indian State.

286. (1) If His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States requests the assistance of armed forces for the due discharge of those functions, it shall be the duty of the Governor-General in the exercise of the executive authority of the Federation to cause the necessary forces to be employed accordingly, but the net additional expense, if any, incurred connection with those forces by reason of that employment shall be deemed to be expenses of His Majesty incurred in

discharging the said functions of the Crown

(2) In discharging his functions under this section the Governor-General shall act in his discretion.

* * *

**Seventh Schedule**

**Legislative Lists**

LIST I

Federal Legislative List

1. His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Governments; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment; central intelligence bureau, preventive detention in British India for reasons of State connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States.

2. Naval, military and air force works; local self-government in cantonment areas (not being cantonment areas of Indian State troops), the regulation of house accommodation in such areas, and, within British India, the delimitation of such areas.

3. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

4. Ecclesiastical affairs, including European cemeteries.

5. Currency, coinage and legal tender.

6. Public debt of the Federation.

7. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication: Post Office Savings Bank.

8. Federal Public Services and Federal Public Service Commission.

9. Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.

10. Works, lands and buildings vested in, or in the possession of, His Majesty for the purposes of the Federation (not being naval, military or air force works), but, as regards property situated in a Province, subject always to Provincial legislation, save in so far as Federal law otherwise provides, and, as regards property in a Federated State held by virtue of any lease of agreement with that State, subject to the terms of that lease of agreement.

11. The Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, and any similar institution controlled or financed by the Federation.

12. Federal agencies and institutes, for the following purpose, that is to say, for research, for professional or technical training, or for the promotion of special studies.

13. The Benares Hindu University and the Aligarh Muslim University.

14. The Survey of India, the Geological, Botanical and Zoological Surveys of India; Federal meteorological organizations.

15. Ancient and historical monuments, archaeological sites and remains.

16. Census.

17. Admission into, and emigration and expulsion from India, including in relation thereto the regulation of the movements in India of persons who are not British subjects

domiciled in India, subjects of any Federated State, or British subjects domiciled in the United Kingdom; pilgrimages to places beyond India.

18. Port quarantine; seamen's and marine hospitals, and hospitals connected with port quarantine.

19. Import and export across customs frontiers as defined by the Federal Government.

20. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

21. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

22. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

23. Fishing and fisheries beyond territorial waters.

24. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of acrodromes.

25. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

36. Carriage of passengers and goods by sea or by air.

27. Copyright, inventions, designs, trade-marks and merchandise marks.

28. Cheques, bills of exchange, promissory notes and other like instruments.

29. Arms, firearms, ammunition.

30. Explosives.

31. Opium, so far as regards cultivation and manufacture, or sale for export.

32. Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable, so far as regards possession, storage and transport.

33. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit.

34. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest.

35. Regulation of labour and safety in mines and oil-fields.

36. Regulation of mines and oilfields and mineral development to the extent to which such regulation and development under Federal control is declared by Federal law to be expedient in the public interest.

37. The law of insurance, except as respects insurance undertaken by a Federated State, and the regulation of the conduct of insurance business, except as respects business undertaken by a Federated State; Government insurance, except so far as undertaken by a Federated State, or, by virtue of any entry in the Provincial Legislative List or the Concurrent Legislative List by a Province.

38. Banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Federated State and carrying on businese only within that State.

39. Extension of the powers and jurisdiction of members of a Police force belonging to any part of British India to any area in another Governor's Province or Chief Commissioner's Province, but not so as to enable the Police of one part to exercise powers and jurisdiction elsewhere without the consent of the Government of the Province or the Chief Commissioner, as the case may be; extension of the powers and jurisdiction of members of a Police force belonging to any unit to railway areas outside that unit.

40. Elections to the Federal Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

41. The salaries of the Federal Ministers, of the President and Vice-President of the Council of State and of the Speaker and Deputy Speaker of the Federal Assembly; the salaries, allowances and privileges of the members of the Federal Legislature; and, to such extent as is expressly authorised by Part II of this Act, the punishment of persons who refuse to give evidence or produce documents before Committee of the Legislature.

42. Offences against laws with respect to any of the matters in this list.

43. Inquiries and statistics for the purposes of any of the matters in this list.

44 Duties of customs, including export duties.

45. Duties of excise on tobacco and other goods manufactured or produced in India except—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

(c) medicinal and toilet preparations containing alcohol, or any substance included in sub-paragraph (b) of this entry.

46. Corporation tax.

47. Salt.

48. State lotteries.

49. Naturalization.

60. Migration within India from or into a Governor's Province or a Chief Commissioner's Province.

51. Establishment of standards of weight.

52. Ranchi European Mental Hospital.

53. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list and, to such extent as is expressly authorised by Part IX of this Act, the enlargement of the appellate jurisdiction of the Federal Court, and the conferring thereon of supplemental powers.

54. Taxes on income other than agricultural income.

55. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

56. Duties in respect of succession to property other than agricultural land.

57. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.

58. Terminal taxes on goods or passengers carried by railway or air; taxes on railway fares and freights.

59. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

List II

Provincial Legislative List

1. Public order (but not including the use of His Majesty's naval, military or air forces in aid of the civil power); the

administration of justice; constitution and organisation of all courts, except the Federal Court, and fees taken therein; preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

2. Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list; procedure in Rent and Revenue Courts.

3. Police, including railway and village Police.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other units for the use of prisons and other institutions.

5. Public debt of the Province.

6. Provincial Public Services and Provincial Public Service Commissions.

7. Provincial pensions, that is to say, pensions payable by the Province or out of Provincial revenues.

8. Works, land and buildings vested in or in the possession of His Majesty for the purposes of the Province.

9. Compulsory acquisition of land.

10. Libraries, museums and other similar institutions controlled or financed by the Province.

11. Elections to the Provincial Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

12. The salaries of the Provincial Ministers, of the Speaker and Deputy Speaker of the Legislative Assembly, and, if there is a Legislative Council, of the President and Deputy President thereof; the salaries, allowances and privileges of the members of the Provincial Legislature; and, to such extent as is expressly authorised by Part III of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Provincial Legislature.

13. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

14. Public health and sanitation; hospitals and dispensaries; registration of births and deaths.

15. Pilgrimages, other than pilgrimages to places beyond India.

16. Burials and burial grounds.

17. Education.

18. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; minor railways, subject to the provisions of List I with respect to such railways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List III with regard to such waterways; ports, subject to the provisions in List I with regard to major ports; vehicles other than mechanically propelled vehicles.

19. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power.

20. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; improvement of stock and prevention of animal diseases; veterinary training and practice; pounds and the prevention of cattle trespass.

21. Land, that is to say, rights in or over land, land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization; Courts of Wards; encumbered and attached estates; treasure trove.

22. Forests.

23. Regulation of mines and oilfields and mineral development subject to the provisions of List I with respect to regulation and development under Federal control.

24. Fisheries.

25. Protection of wild birds and wild animals.

26. Gas and gas-works.

27. Trade and commerce within the Province; markets and fairs; money-lending and money-lenders.

28. Inns and innkeepers.

29. Production, supply and distribution of goods; development of industries, subject to the provisions in List I with respect to the development of certain industries under Federal control.

30. Adulteration of foodstuffs and other goods; weights and measures.

31. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.

Relief of the poor; unemployment.

33. The incorporation, regulation, and winding up of corporations other than corporations specified in List I; unincorporated trading; literary, scientific, religious and other societies and associations; cooperative societies.

34. Charities and charitable institutions; charitable and religious endowments.

35. Theatres, dramatic performances and cinemas, but not including the sanction of cinematograph films for exhibition.

36. Betting and gambling.

37. Offences against laws with respect of any of the

matters in this list.

38. Inquiries and statistics for the purpose of any of the matters in this list.

39. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.

40. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India—

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

(c) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.

41, Taxes on agricultural income.

42. Taxes on lands and buildings, hearths and windows.

43. Duties on respect of succession to agricultural land.

44. Taxes on mineral rights, subject to any limitations imposed by any Act of the Federal Legislature relating to mineral development.

45. Capitation taxes.

46. Taxes on professions, trades, callings and employments.

47. Taxes on animals and boats.

48. Taxes on the sale of goods and on advertisements.

49. Cesses on the entry of goods into a local area for consumption, use or sale therein.

50. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

51. The rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.

52. Dues on passengers and goods carried on inland waterways.

53. Tolls.

54. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

## LIST III

### Concurrent Legislative List

*Part I*

1. Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power.

2. Criminal Procedure, incuding all matters included in the Code of Criminal Procedure at the date of the passing of this Act.

3. Removal of prisoners and accused persons from one unit to another unit.

4. Civil Procedure, including the law of Limitation and all matters including in the Code of Civil procedure at the date of the passing of this Act; the recovery in a Governor's Province or a Chief Commissioner's Province of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.

5. Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.

6. Marriage and divorce; infants and minors; adoption.

7. Wills, intestacy, and succession, save as regards agricultural land.

8. Transfer of property other than agricultural land; registration of deeds and documents.

9. Trusts and Trustees.

10. Contracts, including partnership, agency, contracts of carriage, and other special forms of contact, but not including contracts relating to agricultural land.

11. Arbitration.

12. Bankruptcy and insolvency; administrators-general and official trustees.

13. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stramp duty.

14. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List I or List II.

15. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list.

16. Legal, medical and other professions.

17. Newspapers, books and printing presses.

18. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficients.

19. Poisons and dangerous drugs.

20. Mechanically propelled vehicles.

21. Boilers.

22. Prevention of cruelty to animals.

23. European vagrancy; criminal tribes.

24. Inquiries and statistics for the purpose of ony of the matters in this Part of this List.

25. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

*Part II*

26. Factories.

27. Welfare of labour; conditions of labour; provident funds; employers' liability and workmen's compensation; health insurance, including invalidity pensions; old age pensions.

28. Unemployment insurance.

29. Trade unions; industrial and labour disputes.

30. The prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting men, animals or plants.

31. Electricity.

32. Shipping and navigation on inland water-ways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.

33. The sanctioning of cinematograph films for exhibition.

34. Persons subjected to preventive detention under Federal authority.

35. Inquiries and statistics for the purpose of any of the matters in this Part of this List.

36. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

## INSTRUMENT OF INSTRUCTIONS TO THE GOVERNOR-GENERAL

### Issued Under the Act of 1935 (Extracts)

VII. It is Our will and pleasure that Our Governor-General shall use all endeavour consistent with the fulfilment of his responsibilities to Us and to Our Parliament for the welfare of Our Indian subjects, that the administration of the matters committed to the charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature so far as the same shall appear to him to be just and reasonable: and shall so order the administration of his Government as to further the policy of the Act for its conversion into a Federation of all India.

VIII. Whereas it is expedient for the common good of British India that the authority of Our Governor-General in Council and of the Indian Legislature in those matters which are by law assigned to them should prevail:

And whereas at the same time it is the purpose of the Act that the Governments and Legislatures of the Provinces should be free in their own sphere to pursue their own policy:

And whereas in the interest of the harmonious co-operation of the several members of the body politic, the Act has empowered Our Governor-General to exercise, at his discretion, certain powers affecting the relations between his Government and the Provinces:

It is Our will and pleasure that Our Governor-General in the exercise of these powers should give unbiased consideration as well to the views of the Governments of the Provinces as to those of his own Government whenever those views are in conflict, and in particular, when it falls to him to exercise his power to issue orders to the Governor of a Province for the purpose of securing that the executive authority of the Governor-General in Council is not impeded or prejudiced, or his power to determine whether Provincial law or Central law

shall regulate a matter in the sphere in which both Legislatures have power to make laws.

IX. It is Our desire that Our Governor-General shall by all reasonable means encourage consultation with a view to common action between his Government and the Provinces and between the Provinces themselves. It is our further will and pleasure that Our Governor-General shall endeavour to secure the co-operation of the Provincial Governments in the maintenance of such Central agencies and institutions for research as may serve to assist the conduct by Provincial Governments of their own affairs.

* * *

XV. And generally Our Governor-General shall do all that in him lies to maintain standards of good administration: to promote all measures making for moral, social and economic welfare and tending to fit all classes of the population to take their due share in public life; and to secure amongst all classes and creeds co-operation, good will and mutual respect for religious beliefs and sentiments . . .

XVI. And finally it is Our will and pleasure that Our Governor-General should so exercise the trust reposed in him that the partnership between India and the United Kingdom within Our Empire may be furthered, to the end that India may attain its due place among Our Dominions.

## INSTRUMENT OF INSTRUCTIONS TO THE PROVINCIAL GOVERNORS

### Issued Under the Act of 1935 (Extracts)

*B.—In regard to the Executive Authority of the province*

VII. In making appointments to his Council of Minister, Our Governor shall use his best endeavours to select his Ministers in the following manner, that is, say, in consultation with the person who in his judgement is likely to command a stable majority, so far as practicable members of important

minority communities) who will best be in a position collectively to command the confidence of the Legislature. But, in so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Minister.

VIII. In all matters within the scope of the executive authority of the Province, save in relation to functions which he is required by the said Act to exercise in his discretion, Our Governor shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers, unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the said Act committed to him, or with the proper discharge of any of the functions which he is otherwise by the said Act required to exercise on his individual judgement; in any of which cases Our Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by the said Act conferred upon him in such manner as to his individual judgement seems requisite for the due discharge of the responsibilities and functions aforesaid But he shall be studious so to exercise his powers as not to enable his Ministers to rely upon his special responsibilities in order to relieve themselves of responsibilities which are properly their own.

IX. Our Governor shall interpret his special responsibility for the safegurding of the legitimate interests of the minorities as requiring him to secure, in general, that those racial or religious communities for the members of which special representation is accorded in the Legislature, and those classes of the people committed to his charge who, whether on account of the smallness of their number or their lack of educational or material advantages or from any other cause, cannot as yet fully rely for their welfare upon joint political action in the Legislature, shall not suffer, or have reasonable cause to fear, neglect or oppression. But he shall not regard as entitled to his protection any body of persons by reason only that they share a view on a particular question which has not found favour with the majority.

Further, Our Governor shall interpret the said special responsibility as requiring him to secure a due proportion of appointments in Our Services to the several communities, and so far as there may be in his Province at the date of issue of these Our Instructions an accepted policy in this regard, he shall be guided thereby, unless he is fully satisfied that modification of that policy is essential in the interests of the communities affected or of the welfare of the public.

X. In the discharge of his special responsibility for the securing to members of the public services of any rights provided for them by or under the said Act and the safeguarding of their legitimate interests Our Governor shall be careful to safeguard the members of Our Services not only in any rights provided for them by or under the said Act or any other law for the time being in force, but also against any action which in his judgement would be inequitable.

XI. The special responsibility of Our Governor for securing in the sphere of executive action any of the purposes which the provisions of Chapter III of Part V of the said Act are designed to secure in relation to legislation shall be construed by him as requiring him to differ from his Ministers if in his individual judgement their advice would have effects of the kind which it is the purpose of the said Chapter to prevent, even though the advice so tendered to him is not in conflict with any specific provision of the said Act.

XII. Our Governor shall construe his special responsibility for the protection of the rights of any Indian State as requiring him to see that no action shall be taken by his Ministers, and no Bill of the Provincial Legislature shall become law, which would imperil the economic life of any State, or affect prejudicially any right of any State heretofore or hereafter recognised, whether derived from treaty, grant, usage, sufferance or otherwise, not being a right appertaining to a matter with respect to which, in virtue of the Ruler's Instrument of Accession, the Federal Legislature may make laws for his State and his subjects : and he shall refer to Our Governor-

General any questions which may arise as to the existence of any such right.[1]

XIII In the framing of rules for the regulation of the business of the Provincial Government Our Governor shall ensure that, amongst other provisions for the effective discharge of that business, due provision is made that the Minister in charge of the Finance Department shall be consulted upon any proposal by any other Minister which affects the finances of the Province : and further that no reappropriation within a Grant shall be made by any Department otherwise than after consultation with the Finance Minister; and that in any case in which the Finance Minister does not concur in any such proposal the matter shall be brought for decision before the Council of Ministers.

He shall furher in those rules make due provision to secure that prompt attention is paid to any representation received by his Government from any Minority.

XIV. Having regard to the powers conferred by the said Act upon Our Secretary of State to appoint persons to Our service if, in his opinion, circumstances arise which render it necessary for him so to do in order to secure efficiency in irrigation, Our Governor shall make it his care to see that he is kept constantly supplied with information as to the conduct of irrigation in his Province in order that he may, if need be, place this information at the disposal of Our Governor-General.

* *

*C.—Matters affecting the Legislature*

XVII . . . Our Governor shall not assent in Our name to, but shall reserve for the consideration of Our Governor-General, any Bill of any of the classes herein specified, that is to say :

1. The procedure for the determination of the right in case of a dispute rested with the Crown's Representative for the conduct of relation with the Indian States.

(a) any Bill the provisions of which would repeal or be repugnant to the provisions of any Act of Parliament extending to British India;

(b) any Bill which in his opinion would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by the Act designed to fill;

(c) any Bill regarding which he feels doubt whether it does, or does not, offend against the purposes of Chapter III of Part V[1] or section 299 of the Act[2];

(d) any Bill which would alter the character of the Permanent Settlement.

XIX. And generally our Governor shall do all that in him lies to maintain standards of good administration; to encourage religious toleration, co-operation and goodwill among all classes and creeds; and to promote all measures making for moral, social and economic welfare, and tending to fit all classes of the population to take their share in the public life and government of the Province.

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1. Provisions with regard to discrimination against British subjects domiciled in the United Kingdom, etc.

2. Provision with regard to compulsory acquisition of land.

# 21

# ACT OF 1935 AT WORK AND BRITISH WAR AIMS

## VICEROY LORD LINILITHGOW ON RELATIONS OF PROVINCIAL GOVERNORS WITH MINISTERS*

I have refrained hitherto from making any public statement of any sort on the constitutional issues which have been raised by the refusal of the party which commands a majority of the votes in the Legislatures to accept office in certain Provinces. My decision to do so was deliberate. The Governor-General, it is true, exercises under the Act a general control of the action taken by Provincial Governors in their discretion or in their individual jndgement, and he is himself correspondingly subject to the general control of the Secretary of State. But given the scheme, the intention, and the construction of the new constitution, matters such as those which have of late been the subject of discussion in all Provinces in which the majority party in the Legislatures has declined to accept office are eminently, in the first place, matters for discussion between the leaders of that party in the Province concerned and the Governor of that Province.

A point has now, however, been reached at which it will, I think, be of advantage that, for the benefit of the man in the street and the ordinary elector, I should myself take up the threads of this discussion in the light of the statements which have been made in Parliament by the Secretary of State, and in individual Provinces by the Governors, and

*Radio broadcast from New Delhi on 22 June, 1937.

that I should state comprehensively, in the most formal and public manner open to me, my attitude, which is equally the attitude of the Secretary of State and the Governor of every Province in India, on the constitutional issues which have been brought to the fore in connection with this question of office acceptance.

The interval which has passed has been of value as giving an opportunity to His Majesty's Government, to Parliament, and to individual Governors, to clarify the position beyond any shadow of doubt. It has been of value, in my judgement, also in terms of the experience of the practical working of the new constitution afforded since the 1st of April in every Province in India, whether the Ministries in power in a Province commanded a majority in the Legislatures or were themselves supported only by a minority in those bodies. Three months ago a great political party, which commanded in six Provinces a majority in the Legislature, felt that even with the support of the majority in the Legislature. it could not wisely accept office under the provisions of the Act unless it received certain specific assurances from Governors. Three months' experience of the operation of the constitution, short as I agree that period is, has conclusively shown from the practical point of view that, any legal difficulties in regard to the grant of such assurances apart,* those assurances are not essential to the smooth and harmonious working of the constitution. In every Province Ministers have been able to test by practical experience that the co-operation and the assistance of the Services are at their disposal, and that they can in their dealings in day-by-day administration of the Province, and in their relations with the Governors of their Provinces, rely on those Governors to place at their disposal in the fullest measure and with no shade or suggestion of prejudice or personal feeling

* In a communique issued by the U.P. Government it was stated that, in view of the obligations imposed upon the Governor by the Act of 1935 and the Instrument of Instructions, it was legally not in his power to meet the Congress demand.

that help, sympathy, co-operation and experience which the Governors of individual Provinces have promised. Those three months have shown equally, and beyond question, that the apprehensions which have been entertained—and I readily accept the sincerity of those apprehensions even if I see no foundation of fact for them—that Governors would seek occasions for interfering with the policy of their Ministers, or for the gratuitous and uncalled for exercise of the Special Responsibilities imposed upon them by the Act to impede or challenge Ministers in the day-by-day administrations of the Province, have no shadow of justification.

I have been intimately associated with the framing of the present constitution. I am familiar with the close concern shown by Parliament, whether in the Joint Select Committee or on the floor of both Houses, to devise a scheme which would confer real and substantial powers on popularly elected Ministers, and which would enable those Ministers to feel that they could with confidence frame and implement, with the co-operation of Governors and of the Services, a programme of legislation on broad lines for the benefit of the Province the government of which was in their hands. The Act, and the Instrument of Instructions which must be read with the Act, have been approved by Parliament. Taken together they represent the intention of Parliament and the instructions given by Parliament to Governors. Those documents make it clear beyond any possibility of question that, under Provincial Autonomy, in all matters falling within the Ministerial field, including the position of the Minorities, the Services, etc., the Governor will ordinarily be guided in the exercise of his powers by the advice of his Ministers, and that those Ministers will be responsible not to Parliament but to the Provincial Legislature. The only qualifications of this rule are in respect of certain specific and clearly defined matters. The most important of these are those known as the Special Responsibilities, and of those Special Responsibilities again the most important are the prevention of any grave menace to the peace or tranquillity of the Province, or any part of the Province, the safeguarding of legitimate interests of Minorities,

and the securing to the Services and their dependants of any rights provided or preserved for them under the Act and the safeguarding of their legitimate interests. Of those Special Responsibilities none was lightly placed by Parliament, or inconsiderately, on the shoulder of the Governor. Every one of them represents the response of Parliament to the demands of substantial and legitimate interests. There is no vestige of foundation for the assertion which I have seen advanced that the Governor is entitled under the Act at his pleasure to intervene at random in the administration of the Province. Those Special Responsibilities are, as I have said, restricted in scope to the narrowest limits possible. Even so, limited as they are, a Governor will at all times be concerned to carry his Ministers with him; while in other respects in the field of their Ministerial responsibilities it is mandatory on a Governor to be guided by the advice of his Ministers even though for whatever reason he may not himself be wholly satisfied that that advice is in the circumstances necessarily and decisively the right advice. The extent to which in practice, given goodwill on both sides and a desire to operate the new constitution for the benefit of the Province as a whole, difficulty may be anticipated from the existence of these Special Responsibilities cannot be better exemplified than by the history of every Province in India during the past three months. I think I am right in saying that no occasion has arisen on which there has been any conflict or difficulty in this area.

I have made clear, I hope, the object at which Parliament is aiming in the Act, the fact that it transferred the executive authority in the Province in practice to Ministers, and that the extent to which a Governor, acting in his discretion or in his individual judgement, has vested in him certain responsibilities, is restricted to the bare minimum judged to be essential. I have indicated further that in the Ministerial field there can be no interference by a Governor with Ministers, save in respect of matters with regard to which he is empowered to exercise an individual judgement.

I now turn to the question of what is to happen if unfor-

tunately a situation arises in which the Governor and his Ministers do not see eye to eye on a matter where he is required to exercise his individual judgement. Such an issue may arise over a matter of comparatively minor importance, or over a matter which is of major importance, but on which no responsible Ministry, however little it might itself agree with the decision taken by the Governor, would for a moment—or for more than a moment—contemplate resignation. I have already stated that Ministers have the duty of advising the Governor over the whole range of the executive government within the Ministerial field, including the area of the Special Responsibilities. For advice so given, whether on matters within or without the scope of the Special Responsibilities, Ministers are answerable to the Legislature. In all such matters in which he is not specifically required to exercise his individual judgement, it is mandatory upon the Governor to accept the advice of his Ministers. Within the limited area of his Special Responsibilities, a Governor is directly answerable to Parliament, whether he accepts or does not accept the advice of his Ministers. But if the Governor is unable to accept the advice of his Ministers, then the responsibility for his decision is his and his alone. In that event. Ministers bear no responsibility for the decision and are entitled—if they so desire—publicly to state that they take no responsibility for that particular decision, or even that they have advised the Governor in an opposite sense.

But every Governor will be concerned to have the support of his Ministry, or to know that he is not lightly at variance with his Ministry when he acts without their support, or against their advice, in the discharge of a Special Responsibility. He will, as I see it (and the view I now proceed to express is the view of every Governor in India and of the Secretary of State), in such circumstances in the first place put the Ministry or the Minister fully in possession of his mind. He will explain to him the reasons which, in his judgement, make it essential for him to follow a particular course or to pass a particular order. He will listen with a mind open to conviction to the arguments on the other side

which may be advanced to him. If he regards those arguments as valid, he will modify his proposal to such extent as may be appropriate. If he regards them, on the other hand, as invalid, he will do his utmost, before taking a final decision, to convince the Minister, or the Ministry, of the soundness of the reasons for which he is unable to accept his or their view. And if in these circumstances he still remains unable to influence their views in the direction he desires, he will take his decision and pass his order with the greatest personal regret that he should have been unable to secure the support of his Ministry, and before passing it he will have exhausted all methods of convincing his Ministry that that decision was the right one, given the obligation imposed upon him by the Act.

So much for the general basis on which, as I conceive it, a Governor will handle the situation which we have been discussing. But the Special Responsibilities, strictly defined as their ambit is, include in their compass matters and decisions the importance of which inevitably must vary greatly. I ask at once—is the same attitude to be adopted in every case, whether its importance is great or small? Is the Ministry to regard its position as affected in an equal degree by any and every decision of the Governor contrary to its advice, irrespective of the magnitude or the the intrinsic importance of that decision?? In a case in which the Governor in the exercise of his Special Responsibilities, and after exhausting the method of approach to his Ministry which I have indicated, finds himself obliged to pass an order with which his Government did not agree, should the Government resign, or shall carry on its work after indicating publicly, or privately, or publicly and privately, its attitude in the matter which has formed the subject of the order ? Or shall the Governor be required to dismiss it ?

These are all the points of practical importance. They have attracted great attention lately in all political parties, for a pronouncement on such an issue must be of direct concern to every party in every Province in India. I judge in particular

from the statements made by persons of eminence in or in contact with the majority party in six Provinces that on the answer to them largely depends the final removal of any hesitations which may be entertained in that party as to the method in which the new constitution is to be operated and the extent to which Provincial Ministers can rely on fair treatment and a minimum of interference by a Governor in those matters which under the Act fall within their field. The answer to these questions is of importance to every political party in this country to which it falls to work the constitution, and to take advantage of the powers and responsibilities which have been transferred by the Government of India Act to popularly elected Ministers. It will be well, therefore, given the importance of this issue, that I should make plain beyond any question, and speaking with the fullest authority, my own position in regard to it, which is the position of the Secretary of State and of the Governors of the Provinces.

Let me say in the first place that it is essential in this matter to preserve a just sense of proportion. I welcome for this reason the helpful suggestion recently made by Mr. Gandhi that it is only when the issue between a Governor and his Ministers constitutes a serious disagreement that any question of the severing of their partnership need arise. "Serious disagreement" is a phrase which it is possible to define and to interpret in various ways. But the general sense is clear enough to anyone with any political or administrative experience. The matter involved must be of really major importance. It must, I would myself say, be of such a character that a Ministry would feel that their credit and their position were hopelessly compromised by a particular action taken against their advice by a Governor in the discharge of his responsibilities under the Act despite the fact that Ministers had no direct or indirect responsibility for that action, and that a Governor had taken the utmost pains to satisfy his Ministry that he had no choice in the discharge of his responsibilities but to take the action in question. I readily agree that where, on such an issue arising, and where the

Governor and his Ministers have both approached the matter, as I am confident that they would, with, open minds and with a full sense of responsibility—the Governor, in so far as his Special Responsibilities are concerned, to Parliament, the Ministry to the Provincial Legislature—no agreement could be reached, then the Ministry must either resign or be dismissed. As between resignation and dismissal, normal constitutional practice leans very heavily indeed to the side of resignation. Resignation is more consistent with the self-respect of a Ministry, and is an effective public indication of the attitude of Ministers towards the action of a Governor. Resignation equally is an act taken spontaneously by a Ministry. Dismissal, more unusual by far in constitutional practice, might seem to carry with it some suggestion of inferiority, a suggestion which we are concerned at any cost to eliminate from the new constitutional arrangements. I ought perhaps to add that the suggestion that the Governor should in certain circumstances demand the resignation of his Ministers is not the solution provided by the Act and so that it will not be possible for Governors to accept it. Both resignation and dismissal are possible, the former at the option of the Ministers and the latter at the option of the Governors. But the Act does not contemplate that the Governor's option should be used to force the Ministers' option and thus to shift the responsibility from himself.

I have deliberately dealt with the extreme case of a conflict involving resignation or dismissal, for it is the extreme case on which attention has been rivetted. But the extreme case is in my judgement most unlikely in ordinary circumstances to arise, and it would be unwise of us to allow a contingency, by no means probable, given normal working and the friendly and understanding relations which we can without undue optimism anticipate between a Governor and his Ministers, to assume a dominating importance in our eyes. In the ordinary way such differences as may arise between a Governor and his Ministers will admit, with goodwill on both sides, of being resolved in the ordinary course of administration by agreement between the two parties, without any question of

issues so major as resignation or dismissal coming to the fore. I have already indicated the method by which I anticipate the Governors will deal with a situation in which such a difference of opinion exists. I feel no doubt whatever myself that, on that basis, deadlocks need not be anticipated, in view of the anxiety of all Governors—to which I can myself testify—not merely not to provoke conflicts with their Ministers, to whatever party their Ministers may belong, but to leave nothing undone to avoid or to resolve such conflicts.

I have been the more concerned to set out in some detail the position as I see it, in that it is essential that those interests, or communities, or areas, to which the Act extends the assurance of Special Responsibilities, should not, for a moment, think, or have the least ground for thinking, that any question will arise of sacrificing their interests for political reasons. So far as the individual Governors are concerned, I can reassure them on that point with the utmost confidence and the fullest authority. So far as political parties go, experience in those Provinces which are at present governed by Ministries supported by a majority in the Legislature is decisively encouraging. As regards the remaining Provinces, the statements of responsible leaders of the majority party have emphasized how short-sighted any attack on those interests would be from the point of view of that party itself and how improbable it is. What I am concerned to make clear is that, without any threat to those interests, or any sacrifice of them, a Governor and his Ministers can, in my judgement, hope, within the provisions of the Act, to operate the constitution in a normal manner which the Act envisages, and to avoid, save in circumstances which I find it not easy to contemplate, fundamental differences of opinion such as to endanger the relation between the Governor and his Ministry in that very limited area in which certain special obligations and responsibilities are imposed upon a Governor.

Let me review what I have said. The position is as follows:

The executive authority of a Province runs in the name of the Governor : but in the Ministerial field the Governor, subject to the qualifications already mentioned, is bound to exercise that executive authority on the advice of his Ministers. There are certain strictly limited and clearly defined areas in which, while here as elsewhere primarily responsibility rests with Ministers, the Governor remains ultimately responsible to Parliament. Over the whole of the remainder of the field Ministers are solely responsible, and they are answerable only to the Provincial Legislature. In the discharge of the Governor's Special Responsibilities it is open to the Governor, and it is indeed incumbent upon him, to act otherwise than on the advice of his Ministers if he considers that the action they propose will prejudice Minorities or areas or other interests affected The decision in such cases will rest with the Governor; and he will be responsible to Parliament for taking it. But the scope of such potential interference is strictly defined—and there is no foundation for any snggestion that a Governor is free, or is entitled, or would have the power, to interfere with the day-to-day administration of a Province outside the limited range of the responsibilities specially confined to him. Before taking a decision against the advice of his Ministers even within that limited range a Governor will spare no pains to make clear to his Ministers the reasons which have weighed with him in thinking both that the decision is one which it is incumbent on him to take, and that it is the right one. He will put them in possession of his mind. He will listen to the arguments they address to him. He will reach his decision with full understanding of those arguments and with a mind open to conviction. In such circumstances, given the good will which we can I trust postulate on both sides, and for which I can on behalf of His Majesty's Government answer so far as Governors are concerned, conflicts need not in a normal situation be anticipated. On the matter of degree a convention which would require the automatic dismissal or resignation of a Ministry whenever there is any difference of opinion, however unimportant, would show a lack of proportion, and I need not now emphasize the objections to any such convention. For it goes without say-

ing that cases of quite minor importance may arise within the area under discussion; and it goes without saying equally that government, and the position of Ministers, would be impossible, if on each such occasion a Governor were required by a binding convention to dismiss his Ministers, or the Ministers felt it incumbent on them to resign. The interruption to administration and the loss of credit to Ministers would be intolerable. All the more so since Ministers would feel compelled to resign on account of a decision for which they were not in any way responsible and on which they would be at liberty to indicate publicly that they differed from the Governor who had, in the discharge of his own responsibilities, chosen to take a particular course. It is not by rigid conventions of this nature, but by give and take, by the elasticity which is the governing factor of any successful democratic constitution, that constitutional advance is shown by the experience of history to proceed.

Where on the other hand a really major issue is involved and Ministers, even though they are not responsible for the final decision taken by a Governor, and can without any constitutional impropriety make that clear. feel that such action raised issues of such a character, and affected their position as a parliamentary party, in such a way, that they can no longer without misunderstanding in the country, associate themselves with the Governor in the work of administration, then it is open to Ministers to resign, Or, if they do not resign and the Governor feels that his partnership with them cannot with profit to the public continue, it is open to a Governor, and indeed incumbent on him, to dismiss them. But the object of Governors, and, I feel confident, the object of the Ministers, will at all times be to avoid such a state of things arising. The mere fact that the Government of India Act covers contingencies such as the dismissal of Ministers, the breakdown of the constitution, or the like, is not for one moment to be taken as involving an assumption that the framers of the Act, those concerned with its administration, or anyone, indeed, who is concerned for the constitutional progress and the development of this great country, wishes to see those contingencies turned

into realities. The design of Parliament, and the object of those of us who are servants of the Crown in India and to whom it falls to work the provisions of the Act, must be and is to ensure the utmost degree practicable of harmonious co opera tion with the elected representatives of the people for the betterment and improvement of each individual Province, and of India as a whole; and to avoid in every way, consistent with the Special Responsibilities for Minorities and the like which the Act imposes, any such clash of opinion as would be calculated unnecessarily to break down the machine of government, or to result in a severance of that fruitful partnership between the Governor and his Ministers which is the basis of the Act, and the ideal the achievement of which the Secretary of State, the Governor-General and the Provincial Governors are all equally concerned to secure.

Before I take leave of you I feel that you would wish me, setting aside all technicalities, to speak to you for a moment or two as one who has had a good deal of Parliamentary experience and some share in the shaping of the new constitution. Some of you, I know, hold, and hold strongly, that the plan of reform does not go sufficiently far in the direction of complete self-government. I do not question the sincerity with which that view is held. But I am certain that every responsible person, in deciding his position on this vital matter, does so with a genuine anxiety in the best interests of India to take a balanced view and to reach a right decision as to what may best be done, in the conditions of this time, to serve those interests. Let me at once assure you that in my best judgement, and given good will on all sides, this constitution will work and that in experience it will be found to work well. It stands now as the law of the land. It stands, too,—and despite all the criticism that has been levelled against it—as the only complete and homogeneous scheme of political reform now before the country. I am convinced that the shortest road to that fuller political life which many of you so greatly desire is to accept this constitution, and to work it for all it is worth. Of their nature, politics are ever dynamic, and to imagine that their expression in terms of a written constitu-

tion can render them static would be utterly to disregard the lessons of history, and indeed, the dictates of common sense.

Again, it is my firm conviction that this constitution will be found to offer immense opportunities for beneficient public service. And in this connection, I may venture a word upon a matter very close to my heart. It is my conviction that in the full working and development of this constitution lies the best hope for that general and lasting amelioration in the condition of the rural population and of the humbler sections of society which all of us so ardently desire.

The discussions and debates of the last two months have, I think, placed before you every argument and point of view that bear upon this issue. The choice, a choice fraught with so much of profound significance for the future of India, must shortly be made. I hope with all my heart that all, whether leaders or their followers, may find it their duty to choose the way of constructive effort. Whatever emerges, you may count upon me, in face even of bitter disappointment, to strive untiringly towards the full and final establishment in India of the principles of Parliamentary Government. But if what I should regard as a deplorable outcome should emerge from the present situation and if Parliamentary and responsible government should as a consequence be suspended in a number of Provinces, it might, however much we might all of us regret it, be beyond the power of any of us rapidly to reverse the circumstances that must then supervene. In that event, invaluable time will be lost, and I greatly fear, no little hurt inflicted upon the cause of progressive reform. But I do not believe that these sad things will come to pass, for I have faith in you and in the destiny of India. The way we tread may seem dark and sometimes difficult. The star that guides our course may seem sometimes to flicker and almost to fail. Yet faith and courage are mighty forces. Let us summon them to our aid in this difficult hour, and together move steadily forward towards the fulfilment of our hopes.

Statement of Lord Linlithgow on War Aims (18 October, 1939).

The essential matters on which a clarification of the position is beyond any question desired are :

First, what are the objectives of His Majesty's Government in the war? To what extent are they of such a character that India with her long history and great traditions can, with a clear conscience, associate herself with them?

Second, what is the future that is contemplated in the constitutional sphere for the Indian continent? What are the intentions of His Majesty's Government? Is it possible to define those intentions more precisely and in such a manner as to leave the world in no doubt as to the ultimate status envisaged for India as far as the British Commonwealth is concerned?

Third, in what way can the desire of India and of Indian public opinion for a closer association, and an effective association, with the prosecution of the war be satisfied?

* * * *

We are fighting to resist aggression whether directed against ourselves or others. Our general aims have been stated by the Prime Minister within the last few days as follows; "We are seeking no material advantage for ourselves. We are not aiming only at victory, but looking beyond it to laying the foundation of a better international system which will mean that war is not to be the inevitable lot of each succeeding generation. We, like all the peoples of Europe, long for peace, but it must be a real and settled peace, not an uneasy truce interrupted by constant alarms and threats." This statement, I think, clearly establishes the nature of the cause for which we are fighting and justifies, if justification is needed, the extension by India of her moral support and her goodwill to the prosecution of that cause.

Let me turn now to the second question which has been

put to me—the question of India's future and of the lines of her constitutional development. . . As matters stand to day, the constitutional position of India and the policy of His Majesty's Government are governed by the provisions of the Government of India Act, 1935. Part III of that Act, which provides for the conferment of Provincial Autonomy on the Provinces of British India, has been implemented. For nearly two and-a-half years now the Provinces have been conducting their own affairs under the scheme of the Act. That they have done so, on the whole, with great success, even if now and then difficulties have arisen no one can question. Whatever the political party in power in those Provinces, all can look with satisfaction on a distinguished record of public achievement during the last two and-a-half years. The experience that they have had has shown beyond any question that whatever minor problems the application of the scheme of the Act may have presented, whatever difficulties may have confronted us in the operation of the Act from time to time in the Provincial sphere, the seheme of the Act is essentially sound, and that it transfers great power and great opportunities to popularly elected Governments dependent on the support of a majority in their Legislatures.

The second stage contemplated by the Act was the reconstitution of the Central Government on such a basis as to achieve the essential goal of Indian unity. The method contemplated for that purpose was the achievement of a Federation of All-India, in which the representatives of all political parties in British India would, together with the Rulers of the Indian States, form a unified Government of India as a whole, I am only too conscious of the severity of the criticisms that have been advanced from many different points of view against the Federal scheme and against the arrangements embodied in Part II of the Act. I will say to-day no more than that, having myself had so close a familiarity not only with the framing of the provisions, but with the preliminary work which has been done with a view to putting them into force, I have throughout believed that the Federal Scheme in its operation would have turned out as satisfactorily as,

broadly speaking, we can all of us regard the scheme of Provincial Autonomy as having turned out. I will not dilate on that subject to-day, for our work in connection with the Federal Scheme has been suspended. But in reaffirming, as I do, my belief in the essential soundness of the Federal aspects of the Act of 1935, I do so with the greater emphasis because of the evidence which the Federal provisions of the Act constitute, of the anxiety of His Majesty's Government to achieve, with the minimum of delay, and on the basis which appears to represent the greatest amount of agreement between the various parties and interests affected by the unity of India, and to advance beyond a further and a most important milestone on the road to India's goal.

Such being the background against which we are working, what are the intentions and aims of His Majesty's Government in relation to India? I cannot do better in reply to that question than to refer to the statement made on behalf of His Majesty's Government, and with their full authority, by the late Secretary of State for India in the House of Commons on February 6, 1935. That statement makes the position clear beyond a shadow of doubt. It refers to the pledge given in the Preamble of the Act of 1919, and it makes it clear that it was no part of the plan of His Majesty's Government to repeal that pledge. It confirms equally the interpretation placed in 1929 by Lord Irwin as Viceroy, again on the authority of the Government of the day, on that Preamble, that "the natural issue of India's progress as there contemplated is the attainment of Dominion Status." I need not dilate on the words of that statement. They are clear and positive. They are enshrined in the Parliamentary record. They stand as a definite and categorical exposition of the policy of His Majesty's Government to-day, and of their intentions to-day in this end—the future constitutional development and position of India. I would add only that the Instrument of Instructions issued to me as Governor-General by His Majesty the King-Emperor in May, 1937, lays upon me as Governor-General a direction so to exercise the trust which His Majesty has reposed in me "that the partnership between India and the United Kingdom

within our Empire may be furthered to the end that India may attain its due place among our Dominions."

That is the policy and that is the position. Those are the intentions of His Majesty's Government. Let me go on to say another word about the Act of 1935. That Act was based on the greatest measure of common agreement which it was possible to obtain at the time when it was framed. It was based, as is well-known to all of us, on the common labours of British and Indian statesmen, and of representatives of British India as well as of the Indian States over a long period of years. All parties were at one stage or other closely associated with those deliberations, and I can speak from personal experience when I bear tribute to the extreme anxiety of all those of us on whom, in the Joint Select Committee, there fell the more particular responsibility for devising proposals for the consideration of Parliament to ensure that the fullest account had been taken of all interests, of the views of all political parties; and that nothing had been left undone to ensure that the outcome of our labours reflected the greatest measure of agreement practicable in the conditions that confronted us.

Be that as it may, His Majesty's Government recognise that when the time comes to resume consideration of the plan for the future Federal Government of India, and of the plan destined to give effect to the assurances given in Parliament by the late Secretary of State, to which I have just referred, it will be necessary to reconsider in the light of the then circumstances to what extent the details of the plan embodied in the Act of 1935 remain appropriate. And I am authorised now by His Majesty's Government to say that at the end of the war they will be very willing to enter into consultation with representatives of the several communities, parties, and interests in India, and with the Indian Princes, with a view to securing their aid and co-operation in the framing of such modifications as may seem desirable.

I have, I trust, in what I have just said, made clear that the intention and the anxiety of His Majesty's Government is,

as stated in the Instrument of Instructions to the Governor-General, to further the partnership between India and the United Kingdom within the Empire to the end that India may attain her due place among the great Dominions. The scheme of government embodied in the Act of 1935 was designed as an essential stage in that process. But I have made clear in what I have just said that His Majesty's Government will, at the end of the war, be prepared to regard the scheme of the Act as open to modification in the light of Indian views. And I would make it clear, too, that it will be their object, as at all times in the past it has been, to spare no pains to further agreement by any means in their power in the hope of contributing to the ordered and harnionious progress of India toward her goal.

Let me in that connection add that in the conversations I have had, representatives of the minorities have urged most strongly on me the necessity of a clear assurance that full weight would be given to their views and to their interests in any modifications that may be contemplated. On that I need say no more than that over more than a decade ago at the three Round Table Conferences, and at the Joint Select Committee, His Majesty's Government consulted with and had the assistance or the advice of representatives of all parties and all interests in this country. It is unthinkable that we should now proceed to plan afresh or to modify in any respect any important part of India's future constitution without again taking counsel with those who have in the recent past been so closely associated in a like task with His Majesty's Government and with Parliament.

That some even more extensive scheme than I have mentioned, some even more widely phrased indication of the intentions of His Majesty's Government, is desired in certain quarters in this country, I am fully aware from the conversations I have had during these last few weeks. That that is a desire held with sincerity and that those who hold it are convinced that it is in the manner in question that the future progress and development of India and the expressed inten-

tions of His Majesty's Government can best be fulfilled, I fully and readily accept, I would utter one word only of caution. And if I say that the situation must be faced in terms of world politics and of political realities in his country, I do so from no lack of sympathy and no lack of appreciation of the motives that weigh with the people of India and the ideals that appeal to them. But I would urge that it is essential in matters of this nature affecting the future of tens of millions of people, affecting the relations of the great communities, affectiug the Princes of India, affecting the immense commercial and industrial enterprises, whether Indian or European, in this country, that the largest measure of agreement practicable should be achieved. With the best will in the world, progress must be conditioned by practical considerations. I am convinced myself, if I may say so with the utmost emphasis, that having regard to the extent of agreement which in fact exists in the constitutional field, and on this most difficult and important question of the nature of the arrangements to be made for expediting and facilitating the attainment by India of her full status, there is nothing to be gained by phrases which, widely and generally expressed, contemplate a state of things which is unlikely to stand at the present point of political development the test of practical application, or to result in that unified effort by all parties and all communities in India on the basis of which alone India can hope to go forward as one and to occupy the place to which her history and her destinies entitle her. I would ask that these words of caution be not taken as indicating any lack of sympathy on the part of His Majesty's Government for the aspirations of India, or any indifference to the pace of her advance; and I would repeat that His Majesty's Government are but concerned to use their best endeavours, now as in the past, to bring about that measure of agreement and understanding between all parties and all interests in this country which is so essential a condition of progress towards India's goal.

I turn now to the arrangements to be made to secure the association of public opinion in India with the conduct of the war. India's contribution has already been great, great to a

degree which has impressed the imagination of the world. . . . I am of opinion that the right solution would be the establishment of a consultative group, respresentative of all major political parties in British India and of the Indian Princes, over which the Governor-General would himself preside, which would be summoned at his invitation, and which would have as its object the association of public opinion in India with the conduct of the war and with questions relating to war activities.

This group, for practical reasons, would inevitably be limited in size. But his Majesty's Government contemplate that it should be fully representative and in particular that its personnel should be drawn by the Governor-General from panels prepared by the various major political parties, from which a selection of individuals to attend meetings of the group would be made by the Governor-General I hope in the very near future to enter into consultation with political leaders and with the Princes on this question. I have no doubt whatever that an arrangement of this nature will most materially contribute to associating the Indian States and British India with the steps which are being taken for the prosecution of the war and with the arrangements that are being made in that connection.

And I am confident, too, that in an association of this nature of representatives of all parties and all interests, there lies the germ of that fuller and broader association of all points of view in this country which contain in it the seeds of such advantage for the future of India as a whole.

## STATEMENT OF LORD ZETLAND, SECRETARY OF STATE IN HOUSE OF LORDS
(October 18, 1939)

If, at the end of the upheaval caused by the war, when the circumstances may well differ markedly from what they are to day, there is a desire on the part of those concerned for modifications of particular features of the plan, then His Majesty's Government declare now that they will in such circumstances

be very willing to enter into consultation with representatives of the several communities, parties and interests in India and with Indian Princes with a view to securing their aid and co-operation in the framing of such modifications as may then seem desirable.

I say this because, in my view, it is not practicable, nor, do I believe that it would be in the true interest of the people of India themselves, to endeavour, while we are all labouring under the strain and stress of a life-and-death struggle, to embark upon the task of immense complexity and one, moreover, which would inevitably give rise to no little controversy in India itself.

And that brings me back to . . . the root cause of the difficulties in the domain of constitution building in India. What we have to work for is elimination of those communal antagonisms which still militate against the political unity of India.

You cannot abolish them by merely closing your eyes to their existence. You must face them and search for means to remove their underlying forces. I believe that the menace, which now confronts all of us, Englishmen, Hindus, Muslims, Princes and peoples alike, may aid us to achieve what hitherto has clouded our grasp. Can we not, standing shoulder to shoulder for a common purpose, be banded together in the comradeship of arms and learn to view in truer perspective against the background of the supreme and imminent peril—for what would it profit India if the forces of aggression and of evil emerged victorious from this war— those internal and domestic differences which have hithero raised such formidable obstacles along the road to that goal towards which the peoples of both countries have determined to travel.

This then is my appeal to the peoples of India that in comradeship with us while presenting a united front to the forces ranged against us they strive after that agreement among themselves without which they will surely fail to achieve that unity, . . .there is still in certain quarters doubt as to the

intentions of His Majesty's Government for the constitution of India, and. . .there is doubt, too, as to whether the position of Minorities, whether political or religous, is sufficiently safeguarded in relation to any constitutional change by the assurance already given. These are the two main points that have emerged. On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of Minorities in relation to any future constitutional scheme. It has already been made clear that my declaration of last October does not exclude examination of any part either of Act of 1935 or of the policy and plans on which it is based. His Majesty's Government's concern that full weight should be given to the views of the Minorities in any revision has also been brought out. That remains the position of His Majesty's Government. It goes without saying that they could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations a new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire, and wish to see it given the fullest practical expression subject to the due fulfilment of the obligations which Great Britain's long connexion with India has imposed upon her and for which His Majesty's Government cannot divest themselves of responsibility.

It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional issues can be decisively resolved. But

His Majesty's Government authorize me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national life in order to devise the framework of the new Constitution and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree, basis other than administrative convenience. But in making it, though I could not look for help from the political parties, I was anxious that I should get the best men I could, the most representative men, men of real standing and importance in this country. In that I can claim to have succeeded . . . the process of expansion, the fact that as part of it there disappeared the European and the official majorities that had been the characteristics of that body for so many years, the transfer to non-official gentlemen of the highest standing and reputation in this country of great departments of State, with joint responsibility for all the business that comes before the Governor-General in Council, was a step the significance of which is far greater than I sometimes think is realised. Its immediate importance is great. On the long-term view it is likely to prove to be even greater.

## VICEROY LINLITHGOW'S STATEMENT
(8 August, 1940)

It is clear that the earlier differences which had prevented the achievement of national unity remain unbridged. Deeply as His Majesty's Government regret this, they do not feel that they should any longer, because of these differences, postpone the expansion of the Governor-General's Council, and the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by Central Government. They have authorized me accordingly to invite a certain number of representative Indians to join my Executive Council. They have authorized me further to establish a War Advisory Council, which would meet at regular intervals and which would contain representatives of the Indian States, and of other interests in the national life of India as a whole.

## THE CRIPPS PROPOSALS, 1942.
## DECLARATION OF BRITISH GOVERNMENT*
(March 11, 1942)

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic and external affairs.

His Majesty's Government therefore make the following declaration :

(a) Immediately upon cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new constitution for India.

(b) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to :

(i) the right of any province of British India that is not prepared to accept the new constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides. With such non-acceding provinces, should they so desire, His Majesty's Government

*This declaration was the basis of discussion between Sir Stafford Cripps and the Indian leaders.

will be prepared to agree upon a new constitution, giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(ii) the signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth.

(iii) Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its treaty arrangements, so far as this may be required in the new situation.

(d) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:

Immediately upon the result being known of provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall as a single electoral college proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

(e) During the critical period which now faces India and until the new constitution can be framed His Majesty's

Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort, but the task of organizing to the full the military, moral and material resources of India must b the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

## BROADCAST BY SIR STAFFORD CRIPPS, DELHI, (March 30, 1942)

First of all you will want to know what object we had in view. Well, we wanted to make it quite clear and beyond any possibility of doubt or question that the British Government and the British people desire the Indian peoples to have full self-government, with a constitution as free in every respect as our own in Great Britain or as of any of the great Dominion members of the British Commonwealth of Nations. . . .

There is, however, an existing constitution which regulates the Central and Provincial Governments of India and everyone agrees that in these troublous times we cannot here and now set about forging a new constitution. It is far too important a matter for the future of India to be improvised in a hurried way.

The principle on which these proposals are based is that the new constitution should be framed by the elected representatives of the Indian people themselves. So we propose that immediately hostilities are ended, a constitution-making body should be set up consisting of elected representatives from British India, and if the Indian States wish, as we hope they will, to become part of the new Indian Union, they too will be invited to send their representatives to this constitution-

making body, though, if they do, that will not, of itself, bind them to become members of the Union. That is the broad outline of the future.

Now what is to happen in the meantime?

The British people are determined to do their utmost for the defence of India and we are confident that, in that great task, the Indian peoples of all races and religions are eager to play their full part.

So much for the general framework of the proposals. But, as we all know, the most vital and difficult question is that which concerns the interests of the various communities amongst the Indian peoples.

I will not attempt to go into any of the historical origins of these difficulties; let us instead look at them as a present fact. In the great sub-continent of India there is more than one people, there are many peoples and races as there are in the great sub-continent of Russia. Our object is to give to the Indian peoples full self-government with complete freedom as to how they will devise and organize their own constitution.

There are those who claim that India should form a single united country : there are others who say it should be divided up into two, three or more separate countries. There are those who claim that provincial autonomy should be very wide with but few centrally controlled federal services; others stress the need for centralization in view of the growing complexity of economic development.

These and many other and various ideas are worthy to be explored and debated, but it is for the Indian peoples, and not for any outside authority, to decide under which of these forms India will in the future govern herself.

If the Indian peoples ask our help, it will, of course, be gladly given, but it is for you, the Indian peoples, to discuss and decide upon your future constitution. We shall look on with deep interest and hope that your wisdom will guide you

truly in this great adventure.

We ask you, therefore, to come together—all religions and races—in a constitution-making body as soon as hostilities are over to frame your own constitution.

We have specified the form which that body will take, unless, and this is an important point, the leaders of the principal sections of Indian opinion agree between themselves before the end of hostilities upon some other and better form.

That constitution-making body will have as its object the framing of a single constitution for the whole of India—that is, of British India, together with such of the Indian States as may decide to join in.

But we realize this very simple fact : If you want to persuade a number of people who are inclined to be antagonistic to enter the same room, it is unwise to tell them that once they go in there is no way out—they are to be for ever locked in together. It is much wiser to tell them they can go in and if they find that they can't come to a common decision, then there is nothing to prevent those who wish from leaving again by another door. They are much more likely all to go in if they have knowledge that they can by their free will go out again if they cannot agree.

Well, that is what we say to the provinces of India. Come together to frame a common constitution—if you find after all your discussion and all the give and take of a constitution-making assembly that you cannot overcome your differences and that some provinces are still not satisfied with the constitution, then such provinces can go out and remain out if they wish and just the same degree of self-government and freedom will be available for them as for the Union itself, that is to say complete self-government.

We hope and expect to see an Indian Union strong and united because it is founded upon the free consent of all its

peoples, but it is not for us, Britishers, to dictate to you, the Indian peoples. You will work out and decide that problem for yourselves.

So we provide the means and the road by which you can attain that form of the absolute and united self-government that you desire at the earliest possible moment. In the past we have waited for the different Indian communities to come to a common decision as to how a new constitution for a self-governing India should be framed and, because there has been no agreement amongst the Indian leaders, the British Government has been accused by some of using this fact to delay the granting of freedom to India. We are now giving the lead that has been asked for and it is in the hands of Indians and Indians only whether they will accept that lead and so attain their own freedom. If they fail to accept this opportunity the responsibility for the failure must rest with them.

* * *

As regards the position of minority communities within the new Indian Union, I am confident that the constitution-making body will make just provision for their protection. But in view of the undertakings given to these minorities by His Majesty's Government in the past we propose that in the Treaty, which, under the draft Declaration, will be concluded between His Majesty's Government and the constitution-making body, the new Indian Union should undertake to protect the rights of these minorities. If there should be any non-acceding provinces a similar treaty provision would be made in respect of minority communities within their borders.

* * *

It contains one essential reservation—that in respect of the responsibility for Defence. This reservation does not mean that the Governor-General and his Executive Council will or indeed could be excluded from taking an effective share in the counsels for the defence of India. In this wide-flung war, defence cannot be localized in a single country and

its preparation must permeate the activities of every department of Government and must demand from every department the fullest co-operation. If His Majesty's Government are to take full responsibility for the conduct of the naval, military and air defence of India, as it is their duty to do, then the defence of India must be dealt with by them as part of the world war effort in which they are now engaged, and the direction of that defence must rest in the hands of the Commander-in-Chief under the War Cabinet and their highest staff officers. But, as I have already pointed out, the Government of India must also have an effective share in the Defence counsels and so we have decided that the Commander-in-Chief must retain his position as a Member of the Executive Council.

In order, however, that India may have her full voice in this central control of strategy, defensive and offensive, not only in India itself but in all the interrelated theatres of war, we have invited the appointment of a representative Indian to the War Cabinet and to the Pacific Council of the United Nations—that is one of the ways in which India will have her full say in the counsels of the Commonwealth and of the United Nations as an equal partner. And when it comes to the making of the peace, India will appoint her own representatives to the Peace Conference side by side with those of the other free nations and so make her contribution to the building of a new world order.

I am confident that nothing further or more complete could be done towards the immediate realization of the just claims and demands of the Indian peoples. Our proposals are definite and precise. If they were to be rejected by the leaders of Indian opinion, there would be neither the time nor the opportunity to reconsider this matter till after the war and it would be a bitter blow to the friends of India all over the world.

* * *

Now let me take your main terms:

(a) "I proceed on the assumption that India is not to be regarded as two or more nations but as one family consisting of many members of whom the Muslims living in the north-west zone, *i.e.*, Baluchistan, Sind, North-West Frontier Province and that part of the Punjab where they are in absolute majority over all the other elements, and in parts of Bengal and Assam where they are in absolute majority, desire to live in separation from the rest of India." If this term were accepted and given effect to, the present boundaries of these provinces would be maimed and mutilated beyond redemption and leave us only with the husk, and it is opposed to the Lahore resolution.

(b) That even in those mutilated areas so defined, the right of self-determination will not be exercised by the Muslim, but by the inhabitants of those areas so demarcated. This again is opposed to the fundamentals of the Lahore resolution.

(c) That if the vote is in favour of separation, they shall be allowed to form a separate State as soon as possible after India is free from foreign domination, whereas we propose that we should come to a complete settlement of our own immediately, and by our united front and efforts do everything in our power to secure the freedom and independence of the people of India on the basis of Pakistan and Hindustan.

(d) Next you say : "There shall be a Treaty of Separation which should also provide for the efficient and satisfactory administration of Foreign affairs, Defence, Internal Communications, Customs, Commerce and the like, which must necessarily continue to be matters of common interest between the contracting parties." If these vital matters are to be administered by some Central authority, you do not indicate what sort of authority or machinery will be set up to administer these matters, and how and to whom again that authority will be responsible. According to the Lahore resolution, as I have already explained to you, all these matters, which are the

life-blood of any State, cannot be delegated to any Central authority or Government. The matter of security of the two States and the natural and mutual obligations that may arise out of physical contiguity will be for the constitution-making body of Pakistan and that of Hindustan, or other party concerned, to deal with on the footing of their being two independent States.

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